No. [redacted]

In The 1964

Supreme Court of the United States

201

WILLIAM W. SCRANTON, Governor et al.,
Appellants

v.

IRA WALTON DREW et al.,
Appellees

On Appeal from the United States District Court for the Middle District of Pennsylvania.

JURISDICTIONAL STATEMENT

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TABLE OF CONTENTS

	Page
JURISDICTIONAL STATEMENT:	
Opinions Below	2
Jurisdiction	2
Questions Presented	4
Constitutional and Statutory Provisions Involved	6
STATEMENT:	
The Senate	7
The House of Representatives	8
The Litigation	9
The Questions Are Substantial	13
Conclusion	20
APPENDIX A:	
I. Opinion and Order denying application for preliminary injunction dated December 6, 1963	A1
II. Opinion dated April 9, 1964, as amended by Order of April 14, 1964	A9
III. Findings of Fact and Conclusions of Law filed April 9, 1964	A44
IV. Judgment dated April 9, 1964	A70
APPENDIX B:	
I. Constitution of the Commonwealth of Pennsylvania:	
Article II, Section 16	B1
Article II, Section 17	B2
Article II, Section 18	B2

II. Constitution of the Commonwealth of Pennsylvania:

Article VII, Section 1 ..... B3

III. Pennsylvania Representative Apportionment Act of January 9, 1964, No. 1 ..... B4

IV. Pennsylvania Senate Apportionment Act of January 9, 1964, No. 2 ..... B27

APPENDIX C:

I. Chart entitled "The New Reapportionment in Pennsylvania Population and Representation by County" C1

II. Table from Pennsylvania Statistical Abstract, entitled "Area and Population of Counties, Urban and Rural: 1960" C4

III. Table from Pennsylvania Statistical Abstract, entitled "Voter Registration for Counties in Pennsylvania, November 5, 1963" C8

IV. Table from Pennsylvania Statistical Abstract, entitled "State Summary for Manufacturing Industries in Pennsylvania, by County: 1962" ... C11

V. Table from Pennsylvania Statistical Abstract, Fifth Annual Edition, 1962, entitled "Population of Municipalities in Pennsylvania With More Than 16,000 Population in 1960, by Type of Municipality" C15

TABLE OF CITATIONS

CASES:

Baker v. Carr, 369 U.S. 186 (1962) 3, 9

Beadle v. Scholle, No. 24 October Term, 1963 3

Davis v. Mann, No. 69 October Term, 1963 3

Germano v. Kerner, No. 636 October Term, 1963 ... 3

Gray v. Sanders, 372 U.S. 368 (1963) 3
MacDougall v. Green, 335 U.S. 281 (1948) 18
Maryland Committee for Fair Representation v. Tawes, No. 29 October Term, 1963 3
McConnell v. Frink, No. 41 October Term, 1963 3
McGowan v. Maryland, 366 U.S. 420 (1960) 18
Nolan v. Rhodes, Nos. 454-455 October Term, 1963 3
Reynolds v. Sims, No. 23 October Term, 1963 3
Reynolds v. Sims, 32 L.W. 4547, 4548 ..... 18, 20
Roman v. Sincock, No. 307 October Term, 1963 3
Skinner v. Oklahoma, 316 U.S. 535 (1941) 18
Swann v. Adams, No. 297 October Term, 1963 3
Thigpen v. Meyers, No. 3[illegible] October Term, 1963 3
Vann v. Frink, No. 27 October Term, 1963 3
W. M. C. A., Inc. v. Simon, No. 20 October Term, 1963 3
Westberry v. Sanders, 376 U.S. 1 (1964) 3
Williams v. Moss, No. 476 October Term, 1963 3
Wright v. Rockefeller, 376 U.S. 52 (1964) 3

STATUTES:

28 U.S.C. §1253 3
28 U.S.C. §1343 ..... 2, 9
28 U.S.C. §2281 ..... 2, 10
28 U.S.C. §2284 ..... 2, 10
42 U.S.C. §1983 ..... 2, 9
Pennsylvania House of Representatives Apportionment Act of January 9, 1964, P. L. 1419, 25 Purdon's Pennsylvania Statutes Annotated, Sections 2221-2222 (Supp. 1964) 6, 18

Pennsylvania Senate Apportionment Act of January 9, 1964, P. L. 1432, 25 Purdon's Pennsylvania Statutes Annotated, Sections 2217-2220 (Supp. 1964) 6

CONSTITUTIONS:

Constitution of the Commonwealth of Pennsylvania:

Article II, Section 16 ..... 6, 7, 12

Article II, Section 17 ..... 6, 8, 12

Article II, Section 18 6

Constitution of the United States of America:
Fourteenth Amendment 1, 2, 12, 13, 14, 15, 17, 18

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1963

No. ——

William W. Scranton, Governor et al.,
Appellants

v.

Ira Walton Drew et al.,
Appellees

On Appeal From the United States District Court for the Middle District of Pennsylvania.

JURISDICTIONAL STATEMENT

Appellants appeal from the judgment of the United States District Court for the Middle District of Pennsylvania, entered on April 9, 1964, invalidating the Pennsylvania Apportionment Acts of January 9, 1964, and the legislative apportionment provisions of the Pennsylvania Constitution as repugnant to the Fourteenth Amendment to the Constitution of the United States, and restraining Appellants from conducting elections thereunder. This Statement is submitted to show that the Supreme Court of the United States has jurisdiction of the appeal and that a substantial question is presented.

OPINIONS BELOW

The opinions of the United States District Court for the Middle District of Pennsylvania on motion for preliminary injunction and on final hearing are unreported. Copies of the opinions, findings of fact, conclusions of law and the judgment of the District Court are attached hereto as Appendix A.

JURISDICTION

These class actions were brought under 42 U.S.C. §1983 and 28 U.S.C. §1343, to enjoin Appellants, State officials, from conducting any primary or general election for membership in the General Assembly of the Commonwealth of Pennsylvania under the allegedly discriminatory legislative apportionment provisions of the State Constitution and statutes enacted pursuant thereto, and to compel the apportionment of senatorial and representative districts in such a manner as would not deprive the Appellees, and others similarly situated, of the equal protection of the laws guaranteed by the Fourteenth Amendment to the Federal Constitution.

A three judge court was convened pursuant to 28 U.S.C. §§2281, 2284.

The judgment of the District Court was entered on April 9, 1964, and notice of appeal was filed in that court on April 23, 1964. The jurisdiction of the Supreme Court

to review this decision by direct appeal is conferred by 28 U.S.C. §1253. The following decisions sustain the jurisdiction of the Supreme Court to review on direct appeal the judgment entered in this case: *Baker v. Carr*, 369 U.S. 186 (1962); *Gray v. Sanders*, 372 U.S. 368 (1963); *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Wright v. Rockefeller*, 376 U.S. 52 (1964); *W.M.C.A., Inc. v. Simon*, No. 20 October Term, 1963; *Reynolds v. Sims*, No. 23 October Term, 1963; *Beadle v. Scholle*, No. 24 October Term, 1963; *Vann v. Frink*, No. 27 October Term, 1963; *Maryland Committee for Fair Representation v. Tawes*, No. 29 October Term, 1963; *McConnell v. Frink*, No. 41 October Term, 1963; *Davis v. Mann*, No. 69 October Term, 1963; *Roman v. Sincock*, No. 307 October Term, 1963; *Swann v. Adams*, No. 297 October Term, 1963; *Thigpen v. Meyers*, No. 381 October Term, 1963; *Nolan v. Rhodes*, Nos. 454-455 October Term, 1963; *Williams v. Moss*, No. 476 October Term, 1963; *Germano v. Kerner*, No. 636 October Term, 1963.

QUESTIONS PRESENTED

1. Whether the provision of the Pennsylvania Constitution which requires that each of the State's 67 counties, regardless of population, elect at least one member of the House of Representatives operates to invidiously and irrationally discriminate against citizens of the more populous counties where the percentage of representation of such populous counties in the House of Representatives is substantially equal to their percentage of the State's population.

2. Whether the provision of the Pennsylvania Constitution which entitles each county containing four or less ratios of population to elect a member to the House of Representatives for each such ratio and an additional member for an excess of population of one-half ratio while requiring that counties having five or more ratios elect all Representatives only on the basis of full population ratios results in invidious and irrational discrimination against the two counties of the Commonwealth which are affected thereby.

3. Whether the provisions of the Pennsylvania Representative Apportionment Act which create 39 multi-member districts, wherein the members are elected at large, and 116 single-member districts, operate to invidiously and irrationally discriminate against the citizens of the single-member districts and in favor of the citizens of the multi-member districts.

4. Whether the Pennsylvania Constitution operates to irrationally and invidiously deny certain citizens of the

Commonwealth the equal protection of the laws by virtue of its provision that no city or county shall be entitled to representation in the State Senate exceeding one-sixth of the whole number of State Senators.

5. Whether the provision of the Pennsylvania Constitution which entitles counties to one Senator for each full population ratio and an additional Senator for a surplus of population exceeding three-fifths of a ratio operates to invidiously and irrationally discriminate against the two counties of the Commonwealth having a surplus of population in excess of one-half but less than three-fifths of a ratio.

6. Whether any disparities in representation resulting from legislative compliance with the directives of the Pennsylvania Constitution mandating the method of apportioning the Houses of the Pennsylvania Legislature constitute such gross, irrational and invidious discrimination as to deny the equal protection of the laws to certain citizens of the Commonwealth of Pennsylvania.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Sections 16, 17 and 18 of Article II and Section 1 of Article VIII of the Constitution of the Commonwealth of Pennsylvania, the Pennsylvania House of Representatives Apportionment Act of January 9, 1964 P. L. 1419, 25 Purdon's Pennsylvania Statutes Annotated, Sections 2221-2222 (Supp. 1964), and the Pennsylvania Senate Apportionment Act of January 9, 1964, P. L. 1432, 25 Purdon's Pennsylvania Statutes Annotated, Sections 2217-2220 (Supp. 1964), are set forth in Appendix B hereto.

STATEMENT

The General Assembly of the Commonwealth of Pennsylvania is a bicameral legislative body. Representation in each house is governed by apportionment formulae established by the Constitution.

THE SENATE

Section 16 of Article II establishes 50 senatorial districts, each entitled to elect one senator. The districts, required to be of compact and contiguous territory as nearly equal in population as possible, are allocated among the 67 counties through a "senatorial ratio", which is computed by dividing the population of the Commonwealth by 50.

Each county containing one or more ratios of population is entitled to one senator for each full ratio, and to an additional senator for a surplus of population exceeding 3/5 of a ratio, subject to the limitation that no county may be entitled to separate representation exceeding 1/6 the whole number of senators. Every county containing more than 4/5 of a ratio but less than a full ratio is entitled to elect one senator. A county containing more than 1/2 but less than 4/5 of a ratio may form a separate senatorial district only where all of the counties adjoining it are each entitled to one or more senators. A county not separately entitled to representation is combined with other counties in the formation of a district.

The boundaries of the senatorial districts are further influenced by a prohibition against dividing any ward, borough or township to form a district and a similar limitation upon dividing a county unless it is entitled to two or more senators.

THE HOUSE OF REPRESENTATIVES

Unlike the constitutional provision applicable to the Senate, Section 17 of Article II does not provide for a fixed number of members in the House of Representatives. The membership of the House and the apportionment of representatives among the 67 counties are determined on the basis of a "representative ratio", which is computed by dividing the population of the State by 200. The larger counties are thereby assured representation in the House of Representatives equivalent to their proportion of the State's population. Each county is entitled to at least one representative, regardless of its population. The smaller counties are thereby assured a voice in this branch of the Legislature. Counties having a population containing less than 5 ratios are assigned one representative for each whole ratio and an additional representative for a remaining fraction of a ratio greater than 1/2. However, counties having a population of 5 or more ratios are entitled to only one representative for each whole ratio. Counties whose population exceeds 100,000 may be subdivided into multi-member districts of compact and contiguous territory, and each district may elect its proportionate number of representatives up to a maximum of 4.

While cities within a county may also be subdivided into representative districts, each city containing a population equal to a ratio elects separately its own proportion of the total number of representatives allocated to the county in which it is situated.

THE LITIGATION

In the aftermath of *Baker v. Carr*, 369 U.S. 186 (1962), 5 voters from as many counties of Pennsylvania [1] brought a class action pursuant to the Civil Rights Act, 42 U.S.C. §1983 and 28 U.S.C. §1343, before a statutory three judge court challenging the validity of the State constitutional provisions referred to above and the implementing statutes apportioning the General Assembly of the Commonwealth.

The complaint charged that the method of apportionment provided for by the Constitution of the Commonwealth invidiously discriminates in favor of lesser populated, rural areas to the great disadvantage of voters, such as Appellees, who reside in the more densely populated, urban and suburban areas of the State. The discrimination was alleged to be without rational reason and to result in disproportionate representation in both houses of the General Assembly in favor of the sparsely populated areas. It was further averred that the constitutional provision permitting multiple-member representative districts

[1] Ira Walton Drew, Philadelphia County; J. Claude Bowen, Bucks County; John B. McCrea, Montgomery County; Irving Kaufman, Delaware County; Jean McCoskey, Luzerne County.

within the same county is also irrational and discriminatory.[2]

Appellees summated their complaints with the conclusion that they have been denied the equal protection of the law in violation of the Fourteenth Amendment to the Constitution of the United States.

Upon application, a three judge district court was convened pursuant to 28 U.S.C. §§2281, 2284. Appellees moved for a temporary order restraining the Appellants,[3] all State officials having duties in connection with the election laws and processes of the Commonwealth, from conducting any primary or general election for members of the General Assembly under the existing constitutional and statutory apportionment framework. In addition, they sought to enjoin the enactment of apportionment legislation then being considered by a special session of the General Assembly and to compel the adoption of legislation which would apportion the senatorial and representative districts in a constitutionally permissible manner.

At a hearing before the full court on December 4, 1963, the Appellees' application for a temporary injunc-

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[2] This issue was raised by another voter, Marshall J. Seidman, of Montgomery County, who was permitted to intervene as a plaintiff. Two other voters were permitted to intervene as defendants, but subsequently, on their own motion, were allowed to withdraw from the action.

[3] William W. Scranton, Governor of the Commonwealth of Pennsylvania; George I. Bloom, Secretary of the Commonwealth of Pennsylvania; Walter E. Alessandroni, Attorney General of the Commonwealth of Pennsylvania; Raymond P. Shafer, President of the Senate of the Commonwealth of Pennsylvania; M. Harvey Taylor, President Pro Tempore of the Senate of the Commonwealth of Pennsylvania; W. Stuart Helm, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

tion was denied as premature without prejudice to their right to contest the new apportionment legislation then pending in the General Assembly.

On January 9, 1964, two reapportionment acts were adopted in compliance with the commands of the Constitution of Pennsylvania. One apportioned the State into representative districts and fixed the number of representatives at 209. The other apportioned the State into 50 senatorial districts. The apportionment of representative and senatorial districts among the several counties of the Commonwealth mandated by these acts is shown in Appendix A at pp. A14-A18.

On January 15, 1964, another group of five voters[4] filed an action against the Secretary of the Commonwealth to declare the two apportionment acts unconstitutional and to enjoin him from performing his duties in connection with the holding of primary and general elections.

The two actions were consolidated by the court and a final hearing was held on January 16th and 17th, 1964. Further testimony and documentary evidence were received and the proceedings of the hearings on December 4, 1963 were incorporated into the record.

On April 9, 1964 the District Court handed down its opinion, findings of fact and conclusions of law, and entered judgment in the case.

Finding that the disparity among the populations of the various senatorial districts fitted a "pattern of dis-

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[4] Michael Johnson, Montgomery County; Harry Block, Philadelphia County; Henry P. Groton, Delaware County; Eugene Joseph Considine, Luzerne County; Frederick Blair Hughes, Clearfield County.

crimination against * * * the people of the large metropolitan counties where the city and suburban voters dwell * * *", the District Court concluded that the scheme of senatorial apportionment violated the Fourteenth Amendment. In the court's view, the basis for the discrimination lay in the constitutional limitation upon a city or county having more than 8 senators and in the constitutional provision that a county having one or more ratios of population is entitled to an additional senator for a surplus of population over its full ratios only if that surplus exceeds 3/5 of a ratio. Consequently, the court held these portions of Section 16 of Article II of the Pennsylvania Constitution to be without force or effect.

With respect to the apportionment of representatives, the District Court found a substantial under-representation of the more populous counties, and a gross over-representation of the 13 least populous counties resulting in invidious discrimination against urban voters. The basis for the discrimination the court again held, lay in provisions of the Pennsylvania Constitution. The court fixed the blame upon the following provisions of Section 17 of Article II: (1) The requirement that each county, no matter how small its population, is entitled to at least one representative; (2) The restriction, applicable to counties having 5 or more ratios of population, that additional representation must be based upon full ratios of population; (3) The direction that counties be used as bases of representation and that county lines may not be crossed in the formation of legislative districts.

Accordingly, these provisions were also declared void by the District Court.

The court also found the pattern of single and multiple-representative districts created by the Representative Apportionment Act wholly arbitrary and discriminatory and, therefore, invalid.

On this reasoning the court determined that an injunction should issue restraining the Appellant State officials from enforcing the Apportionment Acts of 1964 and conducting primary or general elections thereunder. Moreover, it retained jurisdiction of the consolidated actions until such time as a valid reapportionment of the General Assembly was effected by that body.

Appellants' motion for a stay pending appeal to this court was granted on April 14, 1964.

THE QUESTIONS ARE SUBSTANTIAL

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1. Pennsylvania's scheme of legislative apportionment involves a unique blend of constitutional mandate, statutory implementation and population data. Determination of the constitutional validity of the apportionment systems in force in other states are therefore unlikely to be dispositive of the issues raised by the present appeal.

2. The decision of the District Court nullifies the legislative representation provisions of the Constitution of the Commonwealth of Pennsylvania as repugnant to the Equal Protection guarantee of the Fourteenth Amendment, thereby raising issues of the gravest importance and yet of the most delicate character.

Pennsylvania is the nation's third largest state whose 11,000,000 citizens represent more than 6% of the total population of the country. The impact of the instant decision will be felt by every inhabitant and will alter radically long established political, social and economic relationships without any mandate for such change from any substantial portion of the public.

The court below declared that Pennsylvania must modify its very constitutional framework as the price of obedience to the demands of Union. Collision between the directives of the State Constitution and the prohibitions imposed by the Fourteenth Amendment ought only to be declared by this Court after the most solemn deliberation.

Of course, the structure of representative government must be preserved inviolate, free from impediments which would distort the will of the electorate. *Baker v. Carr*, 369 U. S. 186 (1962), makes clear that the Federal Courts have power to preserve and restore integrity to the democratic electoral process. But, the power to overturn constitutional directive and legislative judgment and to invade the political arena in order to formulate the basis of legislative representation must be exercised sparingly and not beyond the necessities of the case. A due regard not only for the proper spheres of federal and state authority, but also for the principle of Separation of Powers requires judicial restraint.

Therefore, "invidious discrimination" in the context of legislative apportionment must mean more than small imbalances and imperfections. It must mean more than mere deviation from mathematical equality of representation. It must mean at least a condition where the apportionment procedures are so warped as to effectively fore-

close the avenues for representation of minority views or as to thwart the will of the majority by imposing minority control. Such disparities as may be found to exist in the present Pennsylvania apportionment picture do not rise to such magnitude.

As the court below found, there are, within a single county, community, ethnic and cultural interests which are not shared with residents of other counties. Pennsylvania's apportionment system, relating representation to the county unit, thus assures adequate expression of minority opinion. Yet, that system does not result in minority domination. 59% of the total population of the State elect 52% of the Senate, 55% of the total population of the State elect 51% of the House of Representatives.

Surely, in light of the present apportionment framework, Pennsylvania voters have no need of the intervention of the federal judiciary for their protection.

3. The District Court found disparities between the population of certain selected combinations of counties and their representation in the General Assembly. Then, without delineating the concept or explaining how the standard was applicable to the facts, the court held that the inequalities constituted "invidious discrimination" within the prohibition of the Equal Protection Clause of the Fourteenth Amendment.

However, with respect to the Senate, the court declared that the malapportionment could be cured by transferring to the counties of Philadelphia, Luzerne and Lackawanna an additional senator each from the total allowed the smaller counties. This change would affect only six percent of the membership of the Senate.

With respect to the House of Representatives, the court stated that the assignment of an additional member each to Allegheny and Delaware counties,[5] together with a reduction of 10 members from the 13 smallest counties, would remedy the inequities in representation. This change would affect only six percent of the membership of the House.

If "invidious discrimination" is to be measured by a test of quantitative substantiality, more ought to be required than a "rule of six percent".

4. The court below saw in the present Pennsylvania apportionment pattern the results of a class struggle. It found invidious discrimination against one class of voters, the large city and suburban dwellers, and in favor of another, the rural voters. But the court relied upon materials entirely inappropriate for this purpose. The court equated size of population per county with degree of urbanization, and then proceeded to its conclusion of minority, rural domination of a majority, urban citizenry. In this the court erred. Population size is not necessarily equated with urbanization. Thus, one of the 13 "large urban counties", Lancaster, has a predominantly rural population,[6] while more than 50% of the inhabitants in 10 of the 48 smallest counties, Blair, Carbon, Cumberland, Elk, Lawrence, Lycoming, Mercer, Northumberland, Schuylkill and Venango, live in urban areas.[7]

Moreover, the degree of urbanization is not uniform within a county. An otherwise rural county may have an urban concentration—(city, borough or township)—larger than any of the municipalities in a preponderantly urban

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[5] The representation of Allegheny County would be increased from 28 to 29, and that of Delaware County from 9 to 10.

[6] See Appendix C, p. C6.

[7] See Appendix C, pp. C4-C7.

county. For example, Lancaster County, 51% of whose population is classified as "rural",[8] contains the City of Lancaster, thirteenth largest community in the Commonwealth.[9] It is, therefore, evident that the "pattern" of discrimination against urban dwellers and in favor of the rural population discerned by the District Court is entirely of its own making. In point of fact, as the county population and representation statistics set forth in Appendix C, pp. C1-C3, make clear, the large, urban counties receive representation in both Houses of the General Assembly substantially equivalent to their proportion of the State's total population.

5. The "invidious discrimination" which the court below found denied Appellees the Equal Protection of the Law is said to be manifest not in the debasement of votes, but rather in under-representation of urban areas and over-representation of rural counties. The court's reasoning in this regard is especially curious. The Constitution of Pennsylvania requires representation in both Houses of the General Assembly to be based upon *population*. The District Court not only accepted the validity of this directive, but promptly read it into the commands of the Fourteenth Amendment.

Not all persons counted in the population census of Pennsylvania are voters or eligible to vote. Requirements of residence and age must first be met and the process of registration must be completed. When the population of the counties of Pennsylvania are classified according to voting characteristics, a different pattern of representation is obtained.[10] The court below made no finding that, structured in this fashion, Pennsylvania's legislative apportionment is arbitrary or discriminatory. Yet, it is un-

[8] See Appendix C, p. C6.
[9] See Appendix C, p. C15.
[10] See Appendix C, pp. C8-C10.

equal representation of equal groups of *voters* which is the criterion under the Fourteenth Amendment, not the equal representation of unequally sized *population* groups.

6. The majority of instances of disparity between population size and legislative representation cited by the court below are attributable to the deliberate attempt to relate representation to the county unit. To the extent that the court requires the disregard of county political lines for the construction of house and senatorial districts, it works a fundamental and undesirable change in the structure of legislative government in Pennsylvania.

The governmental and judicial organization of the Commonwealth is based upon the county unit of government. Moreover, there are within a single county interests and relationships which are not shared with residents of other counties. Finally, since the year 1683, the economic and political foundation for community life has developed along county lines.

Shifting the basis for representation away from the county system will prevent effective presentation of minority views, disrupt and disorient political organization, confuse the voter and fragment the economic base upon which community life is built, and upon which the taxing power is exercised. The Fourteenth Amendment, it is submitted, permits the accommodation of such policy considerations in the apportionment of Pennsylvania's General Assembly. *Skinner v. Oklahoma*, 316 U. S. 535 (1941); *MacDougall v. Green*, 335 U. S. 281 (1948); *McGowan v. Maryland*, 366 U.S. 420 (1960). *Reynolds v. Sims*, 32 L.W. 4548, declares: "A state may legitimately desire to maintain the integrity of various political subdivisions . . . in designing a legislative apportionment scheme."

7. The Pennsylvania [illegible]resentative Apportionment Act of 1964 created 39 m[illegible] representative districts and 161 single-member districts. The court below concluded that the act was invalid to the extent that it did not uniformly divide the counties which are entitled to two or more representatives into single-member districts. Its decision in this regard was based more upon arm-chair philosophy than upon case law.

A voter in a multiple-member district will be favored, the court said, by having more than one member of the House "who will be especially concerned with his views and interests and amenable to his persuasion since they will want the benefit of his suffrage for re-election. The voter in a single-member district, however, will have only one representative to look to express his views and espouse his interests". But while the court with its right hand was extolling the advantages which a voter in a multi-representative district has over his less fortunate brethren, it held aloft, in its left hand, the virtues of single-member representation. "Minority groups living in particular localities may well be submerged in elections at large but can often make their voting power much more effective in the smaller single-member district in which they may live. Moreover, a much more widespread personal contact between the representative and his constituents and knowledge by the representative of the views and desires of the voters is possible in a single-member district than in a larger multi-member one where the number of voters is much greater and the responsibility of representation is divided among two or more representatives answerable to the same electorate."

Without attempting to explain away the supposed benefits of single-member districts or to balance them against those thought to inhere in multi-member districts,

the court merely held that voters in single-member districts are deprived of the voting power of voters in multi-member districts, and are thereby denied the Equal Protection of the Laws. This conclusion is diametrically opposed to the position of the Appellees who allege in their pleadings that it is the voters in the multi-member districts who are denied the equal protection of the laws.

The Appellants contend that both theories are politically unsophisticated. The truth is that there is little, if any, difference between the voting power of a citizen in a single-member representative district and one in a multi-member district. Both types of districts may validly exist, side by side. As this Court stated in *Reynolds v. Sims:* "One body could be composed of single-member districts while the other could have at least some multi-member districts." 32 L.W. 4547. The court below was entirely mistaken in holding otherwise.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that probable jurisdiction of this appeal should be noted, and that it should be set down for argument.

Respectfully submitted,

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APPENDIX A

I.

OPINION AND ORDER DENYING APPLICATION FOR PRELIMINARY INJUNCTION DATED DECEMBER 6, 1963.

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 8293

Ira Walton Drew, J. Claude Bowen, John B. McCrea, Irving Kaufman and Jean McCoskey,

Plaintiffs

and

Marshall J. Seidman,

Intervening Plaintiff

v.

William W. Scranton, Governor of the Commonwealth of Pennsylvania, George I. Bloom, Secretary of the Commonwealth of Pennsylvania, Walter E. Alessandroni, Attorney General of the Commonwealth of Pennsylvania, Raymond P. Shafer, President of the Senate of the Commonwealth of Pennsylvania, M. Harvey Taylor, President pro tempore of the Senate of the Commonwealth of Pennsylva-

nia and W. Stuart Helm, Speaker of the House of Representatives of the Commonwealth of Pennsylvania,

Defendants

and

Donald C. Rubel and Anne D. McKinley,

Intervening Defendants

Before MARIS, Circuit Judge, and SHERIDAN and NEALON, District Judges

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OPINION OF THE COURT SUR MOTION FOR PRELIMINARY INJUNCTION

MARIS, Circuit Judge.

This is a suit by Pennsylvania citizens and taxpayers. The complaint contains four prayers for relief. These are (a) for an injunction to restrain the Governor, the Secretary of the Commonwealth, the Attorney General, the President of the Senate, the President pro tempore of the Senate and the Speaker of the House of Representatives of the Commonwealth from conducting any primary or general election or performing any duty with respect thereto for seats in the General Assembly which is to be conducted in accordance with the apportionment required by the provisions (alleged to deprive the plaintiffs of the equal protection of the laws in violation of the 14th Amendment to the Federal Constitution) of Article II, sections 16, 17 and 18 of the State Constitution or any statute enacted pursuant thereto, or from performing any other act implementing or enforcing those provisions; (b)

for an injunction to restrain the Governor, the President and President pro-tempore of the Senate, the Speaker of the House of Representatives and all members of the Senate and House of Representatives presently convened in special session from considering, voting upon, enacting or placing into effect any bill or law which is drafted in accordance with said provisions of the State Constitution alleged to violate the 14th Amendment, or which embodies an apportionment which is substantially similar to that required under said provisions or which denies plaintiffs or others similarly situated the equal protection of the law; (c) for a mandatory injunction to require the defendants and the members of the Senate and House of Representatives of the Commonwealth to enact legislation which will apportion the senatorial and representative districts in such manner as will not deprive plaintiffs and others similarly situated of the equal protection of the law, and (d) for such other relief as may be proper to guarantee to the plaintiffs their right to the equal protection of the laws.

The plaintiffs have applied for a temporary injunction granting the relief referred to in clause (b) of the prayer of the complaint, i.e., to restrain the consideration and enactment by the Legislature of Pennsylvania, at its present special session, of reapportionment legislation drafted in accordance with the State Constitution or which denies the plaintiffs the equal protection of the laws. A hearing upon the application has been held and testimony has been taken. It appears that certain of the provisions of sections 16 and 17 of article II of the Pennsylvania Constitution which prescribe the manner in which the Legislature is to divide the state into senatorial and representative districts compel, if followed literally, the establishment

of districts having wide disparity in population per member. It appears further that these provisions operate in general to favor the counties with less population by giving them disproportionately larger representation in each house at the expense of the more populous counties.

We have no doubt of the power of this court to consider the validity under the 14th Amendment of those provisions of the Constitution of Pennsylvania which prescribe the manner in which the districts for the election of the members of its Senate and House of Representatives are to be constituted. This we may and must do when it becomes necessary in order to decide the constitutional validity of the statutes enacted in conformity with those provisions of the Pennsylvania Constitution and which implement them by actually apportioning the territory of the state into senatorial and representative districts. Baker v. Carr, 1962, 369 U.S. 186; Sincock v. Duffy, D. C. Del. 1963, 215 F. Supp. 169. We recognize, at the same time, that this power is a grave and delicate one, involving a great responsibility, which should be exercised cautiously and only when the question of constitutionality is squarely presented in a way which makes its determination unavoidable. The question of the constitutionality of the existing apportionment statutes is raised by prayer (a) of the complaint and that question will, therefore, doubtless be presented to us with respect to the Acts of May 10, 1921, P. L. 449, and July 29, 1953, P. L. 956, or such statutes, if any, as are passed at the present special session of the Legislature to supersede them, when we come to consider the merits of the complaint on final hearing.

When thus properly presented these questions will be considered and decided. It is quite a different matter,

however, to be asked to adjudicate the possible constitutionality, if enacted, of bills which are merely under consideration by the Legislature and to restrain the Legislature from further considering or passing them. For we cannot now know in what amended form the Legislature may ultimately pass these bills, if it passes them at all, or whether, if passed, they will be approved by the Governor and become law. The plaintiffs' present motion is thus in reality a request by them for an advisory opinion to the Legislature as to the binding effect upon it, under the 14th Amendment, of certain limiting provisions of sections 16 and 17 of Article II of the Pennsylvania Constitution, an opinion which we are asked to give in vacuo and without having the benefit of knowing the extent to which the challenged provisions will be reflected in the implementing statutes which, when and if passed by the Legislature, will actually determine the rights of the plaintiffs and other citizens to representation in their Legislature. For it is perfectly clear that the Pennsylvania constitutional provisions in question are not self-executing and affect no one until they are implemented by legislation.

It would not appear that this court has the power to give such an advisory opinion. See 28 U.S.C. §2281. In any event we are satisfied that in the exercise of a sound discretion we should not attempt, upon this application for a temporary injunction, to pass upon the constitutional validity of the pending reapportionment bills upon the assumption that they will be enacted in their present form or that we should enjoin the Legislature from further consideration of them. In this connection we note that no showing of irreparable injury has been made. See Sincock

v. Terry, D. C. Del. 1962, 210 F. Supp. 396, 399-400. We will accordingly deny the plaintiffs' present application for a temporary injunction. We recognize, however, that under the other prayers of the complaint serious questions are raised as to the validity under the 14th Amendment of certain of the limitations laid by the Pennsylvania Constitution upon the Legislature in the creation of senatorial and representative districts and that these questioned limitations are reflected in the existing apportionment statutes and will in all probability also be reflected in any reapportionment statutes which the Legislature may enact at its present session. Accordingly our order will be without prejudice to the right of the plaintiffs to amend their complaint, if so advised, and to seek relief under prayers (a), (c) and (d) thereof upon final hearing with respect to the apportionment statutes which are then in effect.

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 8293

Ira Walton Drew, J. Claude Bowen, John B. McCrea, Irving Kaufman and Jean McCoskey,

Plaintiffs

and

Marshall J. Seidman,

Intervening Plaintiff

v.

William W. Scranton, Governor of the Commonwealth of Pennsylvania, George I. Bloom, Secretary of the Commonwealth of Pennsylvania, Walter E. Alessandroni, Attorney General of the Commonwealth of Pennsylvania, Raymond P. Shafer, President of the Senate of the Commonwealth of Pennsylvania, M. Harvey Taylor, President pro tempore of the Senate of the Commonwealth of Pennsylvania and W. Stuart Helm, Speaker of the House of Representatives of the Commonwealth of Pennsylvania,

Defendants

and

Donald C. Rubel and Anne D. McKinley,

Intervening Defendants

Present: MARIS, Circuit Judge, and SHERIDAN and NEALON, District Judges

ORDER

Upon consideration of the plaintiffs' application for a temporary injunction to restrain defendants William W. Scranton, Governor of the Commonwealth of Pennsylvania, Raymond P. Shafer and M. Harvey Taylor, President and President pro tempore of the Senate of the Commonwealth of Pennsylvania, W. Stuart Helm, Speaker of the House of Representatives of the Commonwealth of Pennsylvania and all members of the Senate and House of Representatives presently convened in special session from considering, voting upon, enacting, signing, enrolling or otherwise placing into effect any bill, resolution, statute or law which is drafted in accordance with alleged unconstitutional provisions of the State Constitution, or which embodies an apportionment of the General Assembly which is substantially similar to that required under said provisions or which otherwise denies the plaintiffs and others similarly situated the equal protection of the law; and after full hearing

It Is Ordered that the application be and it hereby is denied.

By the Court,
(s) Albert B. Maris
Circuit Judge

December 6, 1963

H.

OPINION DATED APRIL 9, 1964, AS AMENDED BY ORDER OF APRIL 14, 1964

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 8293

Ira Walton Drew et al.,

Plaintiffs

and

Marshall J. Seidman,

Intervening Plaintiff

v.

William W. Scranton et al.,

Defendants

Civil Action No. 8338

Michael Johnson et al.,

Plaintiffs

v.

George I. Bloom,

Defendant

Before MARIS, *Circuit Judge*, and SHERIDAN and NEALON, *District Judges*.

OPINION OF THE COURT

(Filed April 9, 1964)

By MARIS, *Circuit Judge*:

Ira Walton Drew, of Philadelphia, J. Claude Bowen of Bucks County, John B. McCrea of Montgomery County, Irving Kaufman of Delaware County, and Jean McCoskey of Luzerne County, taxpayers and voters of the Commonwealth of Pennsylvania, on November 22, 1963 brought civil action No. 8293 against the Governor, the Secretary of the Commonwealth, the Attorney General, the President of the Senate, the President pro tempore of the Senate and the Speaker of the House of Representatives of the Commonwealth to restrain the defendants from conducting any primary or general election for members of the General Assembly in accordance with the apportionment required by the alleged unconstitutional provisions of Article II, Sections 16, 17 and 18, of the State constitution, or any statute enacted pursuant thereto, to enjoin the enactment and enforcement of legislation being considered by a special session of the General Assembly of the Commonwealth for the reapportionment of the membership of the Senate and House of Representatives, and to require the defendants and the members of the Senate and House of Representatives of the General Assembly to enact legislation which would apportion the senatorial and representative districts in such manner as would not deprive the plaintiffs and others similarly situated of the equal

protection of the laws. Thereafter, Marshall J. Seidman of Montgomery County, a taxpayer and voter of the Commonwealth, intervened as a plaintiff and Donald C. Rubel and Anne D. McKinley of Philadelphia, taxpayers and voters, intervened as defendants. Subsequently the intervening defendants were on their motion permitted to withdraw from the action.

This court of three judges was constituted under 28 U.S.C. §§2281, 2284, and on December 4, 1963 heard plaintiffs' application for a temporary injunction to restrain the enactment of the reapportionment legislation then pending in the General Assembly. On December 9, 1963 the application was denied as premature, without prejudice to the plaintiffs' right to seek relief on final hearing with respect to the apportionment statutes which might then be in effect. F. Supp. . Thereafter, the General Assembly passed and the Governor approved two reapportionment bills, the Act of January 9, 1964, No. 1, which fixed the number of representatives at 209 and apportioned the state into representative districts, and the Act of January 9, 1964, No. 2, which apportioned the state into 50 senatorial districts.

On January 15, 1964 Michael Johnson of Montgomery County, Harry Block of Philadelphia, Henry P. Groton of Delaware County, Eugene Joseph Considine of Luzerne County and Frederick Blair Hughes of Clearfield County, voters and taxpayers of the Commonwealth, filed civil action No. 8338 against the Secretary of the Commonwealth to declare the two Acts of January 9, 1964 unconstitutional and invalid and to enjoin the defendant from performing the duties imposed upon him by the Pennsylvania Election Code in connection with the holding of

primary and general elections pursuant to those acts. The complaint asked the court to retain jurisdiction of the cause until such time as the General Assembly is apportioned in such manner as not to deprive plaintiffs of the equal protection of the laws. On motion of the plaintiffs in No. 8338 that action was consolidated with civil action No. 8293.

A final hearing of the consolidated actions on their merits was held on January 16 and 17, 1964, the evidence taken at the hearing on December 4, 1963 being incorporated into the record of the final hearing. Oral testimony was taken and much documentary evidence was received. The cases are now ready for decision, the court having carefully considered the evidence, the requests for findings of fact and conclusions of law and the able and exhaustive briefs which counsel have filed.

The plaintiffs contend that the two reapportionment acts of January 9, 1964 deny them the equal protection of the laws guaranteed by the Fourteenth Amendment to the federal constitution. They assert that in allotting representation in the Senate and the House of Representatives the acts discriminate against the more populous counties in favor of the less populous ones. This is unconstitutionally invidious, they say, because it amounts to discrimination against one class of voters, the large city and suburban dwellers who are mostly found in the more populous counties, and in favor of another, the rural voters who mostly reside in the less populous counties. It is clear that we have jurisdiction to entertain these suits and to determine the questions thus raised. Baker v. Carr, 1962, 369 U.S. 186.

We consider first the senatorial reapportionment act. Section 16 of Article II of the Pennsylvania constitution, which relates to senatorial districts, provides:

> "The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty."

The 1960 census determined the population of Pennsylvania to be 11,319,366. Dividing this figure by 50 gives a senatorial ratio of 226,387. One-half of a ratio is 113,193 and three-fifths is 135,832. Admittedly, following the directions of the Pennsylvania constitution and applying the senatorial ratio of 226,387, Act No. 2 of January 9, 1964 apportions the State into senatorial districts as follows:

District No.	*County*	*1960 Population*	*No. of Senators*
County with population of more than 8-3/5 ratios			
1	Philadelphia (part)	260,767	1
2	Philadelphia (part)	255,869	1
3	Philadelphia (part)	251,415	1
4	Philadelphia (part)	241,032	1
5	Philadelphia (part)	236,148	1
6	Philadelphia (part)	242,667	1
7	Philadelphia (part)	266,242	1
8	Philadelphia (part)	248,372	1
		2,002,512	8
County with population of more than 7 but less than 7-1/2 ratios			
37	Allegheny (part)	235,125	1
38	Allegheny (part)	233,003	1
40	Allegheny (part)	241,633	1
42	Allegheny (part)	226,269	1
43	Allegheny (part)	237,367	1
44	Allegheny (part)	233,086	1
45	Allegheny (part)	222,104	1
		1,628,587	7

District No.	*County*	*1960 Population*	*No. of Senators*
Counties with population of more than 2 but less than 2-1/2 ratios			
9	Delaware (part)	255,888	1
26	Delaware (part)	297,266	1
12	Montgomery (part)	262,794	1
17	Montgomery (part)	253,888	1
		1,069,836	4
Counties with population of more than 1 1/2 but less than 1-3/5 ratios			
39	Westmoreland	352,629	1
20	Luzerne	346,972	1
		699,601	2
Counties with population of more than 1 but less than 1-1/2 ratios			
10	Bucks	308,567	1
13	Lancaster	278,359	1
11	Berks	275,414	1
49	Erie	250,682	1
28	York	238,336	1
22	Lackawanna	234,531	1
16	Lehigh	227,536	1
		1,813,425	7

District No.	*County*	*1960 Population*	*No. of Senators*
Counties with population of more than 4/5 but less than 1 ratio			
15	Dauphin	220,255	1
46	Washington	217,271	1
19	Chester	210,608	1
47	Beaver	206,948	1
35	Cambria	203,283	1
18	Northampton	201,412	1
		1,259,777	6
Districts comprised of counties with population of less than 4/5 ratio			
29	Schuylkill, Lebanon	263,880	1
21	Butler, Lawrence	227,604	1
31	Mifflin, Juniata, Perry, Cumberland	211,620	1
32	Fayette, Greene	208,764	1
50	Mercer, Crawford	205,475	1
41	Jefferson, Amstrong, Indiana	201,682	1
24	Columbia, Lycoming, Montour	179,586	1
30	Blair, Huntingdon	176,727	1
25	Potter, McKean, Warren, Clinton, Cameron	161,787	1
34	Centre, Clearfield	160,114	1
27	Northumberland, Snyder, Union	155,706	1

District No.	*County*	*1960 Population*	*No. of Senators*
23	Bradford, Susquehanna, Tioga, Wyoming, Sullivan	147,740	1
48	Elk, Forest, Clarion, Venango	144,516	1
33	Franklin, Adams	140,078	1
36	Bedford, Fulton, Somerset	130,498	1
14	Carbon, Monroe, Pike, Wayne	129,851	1
		2,845,628	16
	Grand Total	11,319,366	50

Examining the foregoing tabulation with the statewide senatorial ratio of 226,387 in mind a general pattern of under-representation of the more populous counties and over-representation of those which are less populous appears, as is shown by the following table in which the counties are listed in order of their population:

Counties	*No. of Senators*	*Average Population Per Senator*
Philadelphia	8	250,314
Allegheny	7	232,655
Delaware and Montgomery	4	267,459
Westmoreland and Luzerne	2	349,800
Bucks, Lancaster, Berks, Erie, York Lackawanna and Lehigh	7	259,060

Counties	*No. of Senators*	*Average Population Per Senator*
Dauphin, Washington, Chester, Beaver, Cambria and Northampton	6	209,963
48 remaining counties, each with a population of less than 181,110 (4.5 of a senatorial ratio)	16	177,851
Entire State	50	226,387

The constitutional standard of equal protection of the laws in the area of legislative representation has been expressed in the phrase "one man—one vote".[1] This standard is embedded in the Pennsylvania constitutional provision here involved which requires that the fifty senatorial districts shall be "as nearly equal in population as may be". It must be conceded that exact equality in population is impossible and with the constant movement of our people would not continue to exist even if it were to be achieved on a given census date. The prohibition against dividing counties unless they are entitled to two or more senators would alone prevent the creation of districts of absolutely equal population. And so variations from the norm have been widely accepted as permissible if they occur at random and are not designed to discriminate

[1] Wesberry v. Sanders, 1964, U.S. ; Scholle v. Hare, Secretary of State, 1962, 367 Mich. 176, 116 N.W. 2d 350; Sincock v. Duffy, D. Del. 1963, 215 F. Supp. 169; Butterworth v. Dempsey, D. Conn. 1964, F. Supp. ; see also Advisory Commission on Intergovernmental Relations, Report on Apportionment of State Legislatures, Dec. 1962, p. 67; One Man—One Vote, a statement of basic principles of legislative apportionment, Twentieth Century Fund, 1962.

against particular classes or groups of voters. But when the variations from the norm fit into a pattern of discrimination against the voters living in particular areas, as they do here, the people of the large metropolitan counties where the city and suburban voters dwell being denied their equal share of representation in the Senate, and the people of the less populous counties, largely inhabited by rural voters being given much more than their equal share of such representation, they must be held to involve discrimination. When it appears, as it does, that the 13 most populous counties of the State are all under-represented and that 50 of the 54 less populous counties are over-represented, 28 of them by more than 25%, the conclusion is inescapable that such discrimination was deliberate and invidious in violation of the Fourteenth Amendment.[2]

The basis for this discrimination, as might be expected in the case of a statute which, as we have said, complies with the mandates of the Pennsylvania constitution, is to be found in that document. The plaintiffs point to three of the provisions of Section 16 of Article II quoted above, which they say compel this discrimination. The first is the provision that no city or county, regardless of its population, shall be entitled to more than 8 senators. The continuous effect of this provision since its adoption in 1873 has been to deprive the people of the city and county of Philadelphia of one or more senators to which its population would otherwise have entitled them under each decennial census since 1870. Under the 1960 census

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[2] Moss v. Burkhart, W.D. Okla. 1962, 207 F. Supp. 885; Magn v. Davis, E.D. Va. 1962, 213 F. Supp. 577; Sincock v. Duffy, D. Del. 1963, 215 F. Supp. 169; Davis v. Synhorst, S.D. Ia. 1963, 217 F. Supp. 492; Butterworth v. Dempsey, D. Conn. 1964, F. Supp.

Philadelphia has a population in excess of eight and three-fifths senatorial ratios and is accordingly entitled to nine senators except for this limiting provision.

The second provision of Section 16 which is asserted to discriminate against the people of the larger counties and in favor of those of the smaller ones is the limitation that a county containing one or more ratios of population may have an additional senator for a surplus of population over its full ratios only if that surplus exceeds three-fifths of a ratio. This provision, obviously, applies only to the most populous counties, under the 1960 census the 13 largest, and its inevitable effect is to reduce the number of senators which would be allotted to the larger counties if apportionment according to the more equitable rule of major fractions, the rule applied by Section 17 of Article II to the apportionment of representatives (except as to the larger counties), had been applied. Thus, by the present statute Westmoreland and Luzerne counties are each allotted one senator since neither county has one and three-fifths ratios, although each has more than one and one-half ratios and would be entitled to two senators under the rule of major fractions. By reason of the application of this constitutional provision each loses a senator to which it would be entitled under the application of the ordinary rule of major fractions.

The three additional senators to which Philadelphia, Westmoreland and Luzerne would appear to be entitled under the basic mandate of Section 16 of Article II of the Pennsylvania constitution for senatorial districts of substantially equal population are thus taken from the people of those counties by the two restrictive provisions under discussion and are necessarily, under the other provisions of Section 16, allotted to the people of the 48

counties having a population of less than four-fifths of a ratio (181,110), being the counties in which the bulk of the rural population of the State resides. The result is, inevitably, a great over-representation in the Senate of most of these counties. Two examples will suffice to show how disproportionate is the resulting representation. The 20th senatorial district, comprising densely populated largely urban and industrial Luzerne County, has 346,629 people, 53% in excess of the ratio for one senator, while the adjoining 14th district, comprising Carbon, Monroe, Pike and Wayne counties, largely rural, has a population of only 129,851, 42% less than a senatorial ratio. Likewise, the 39th district, comprising populous industrial Westmoreland County, has a population of 352,629, 56% in excess of the senatorial ratio, while the 36th district which adjoins it, consisting of predominately rural and agricultural Bedford, Fulton and Somerset counties, has a population of only 130,498, 42% below the ratio for one senator. While these are the most striking examples of disparity, the tables which we have set out above show that they are but instances of a general pattern of discrimination in representation against the urban and suburban areas and in favor of the rural areas of the State.

If the three senatorial seats to which we have referred were to be allotted to Philadelphia, Westmoreland and Luzerne instead of to the 48 smallest rural counties of the State, as the present act does, the present imbalance of representation would be almost entirely eliminated, although still leaving those 48 counties slightly over-represented. The following table gives the figures:

Counties	*No. of Senators*	*Average Population Per Senator*
Philadelphia, Allegheny, Delaware, Montgomery, Westmoreland, Luzerne	24	225,022
13 next most populous counties	13	236,400
48 least populous counties	13	218,894
Entire State	50	226,387

That an equitable apportionment of thirteen senators among the 48 least populous counties is feasible is demonstrated by the possible arrangement outlined in the following table:

District	*Counties*	*Population*
14	Carbon, Monroe, Pike, Wayne, Susquehanna, Wyoming and Sullivan	186,952
21	Butler and Lawrence	227,604
24	Lycoming, Tioga and Bradford	200,906
27	Columbia, Montour, Northumberland, Snyder and Union	225,925
29	Lebanon and Schuylkill	263,880
30	Blair, Huntingdon and Mifflin	221,075
31	Adams, Cumberland, Perry and Juniata	219,178
32	Greene and Fayette	208,764
34	Clearfield, Centre, Clinton, Cameron and Potter	221,802
36	Franklin, Fulton, Bedford and Somerset	218,670

District	*Counties*	*Population*
41	Armstrong, Clarion, Indiana and Jefferson	239,090
48	Elk, Forest, McKean, Venango and Warren	207,207
50	Crawford and Mercer	205,475
		2,845,628

It seems clear from the debates in the convention which produced the present Pennsylvania constitution that the provisions restricting representation of the more populous counties were the product of an agrarian philosophy which held that the inhabitants of the rural areas were more to be trusted with the responsibilities of government than the population of the cities, which contained a greater proportion of wicked and irresponsible men, as was said to be well known.[3] The defendants concede that the desire to protect the rural voters from domination by urban majorities was the basis for these restrictive provisions and they urge their validity. We think, however, that they are but the vestigial remnants of an undemocratic philosophy of an earlier age, and that they cannot stand against the mandate of the Fourteenth Amendment that all persons, and not rural dwellers only, shall be given the equal protection of the laws.[4]

The third provision of Section 16 of Article II of the Pennsylvania constitution which the plaintiffs assert compels discrimination against the more populous counties

[3] White, Commentaries on the Constitution of Pennsylvania, 1907, p. 195.

[4] Wesberry v. Sanders, 1964, U.S.

is the requirement that counties may not be divided in forming senatorial districts except when they are entitled to two or more senators. With this contention of the plaintiffs we cannot agree. On the contrary, we think, as do the defendants, that there is a rational basis for respecting county lines in this regard and that the disparities in representation from the normal ratio which compliance with this requirement produces are random and not invidiously discriminatory, provided that the larger counties are allotted, as we think they must be, one senator for each full ratio and an additional senator for any surplus population exceeding one-half a ratio. We do not mean to suggest, nor does the Pennsylvania constitution, that counties should be given equal representation in the Senate or that the so-called federal analogy is applicable. But it nonetheless remains true that counties in Pennsylvania have from early colonial times been political and governmental units in which the voters have acted together both in elections and in many other ways. Counties have formed units for the organization and activities of political parties and of many other kinds of citizens' associations. It is doubtless the fact, as the plaintiffs urge, that the cities, boroughs, townships and school districts within the counties loom larger in the public mind in local government than do the counties. But it remains true, we believe, that the bulk of the people of a Pennsylvania county have a definite community of interest which they do not share with the people of other counties, even adjoining ones. To fractionize counties by including *parts* of two or more in a single district would, we think, probably result in greater harm by way of confusing the voters accustomed to acting politically in their own county or its subdivisions, than in the good it might do in bringing about a theoretically more perfect equality of representation. However, if a

blind adherence to this county unit principle would create a situation in which invidious discrimination would exist unless a county is divided, the county unit principle may well have to give way to the mandate of the Fourteenth Amendment. The evidence before us does not disclose such a situation.

Nor does the evidence require us, in the case of senatorial apportionment, to hold that the county unit principle must be extended to the point of allotting a senator to each county having less than four-fifths but more than one-half a ratio. The Pennsylvania Constitution does not contemplate this but, on the contrary, requires that such counties, unless entirely surrounded by counties entitled to one or more senators, shall be joined with other counties in forming senatorial districts. Since this procedure tends to produce senatorial districts more closely approximating the senatorial ratio than if such below-ratio counties were set up as separate districts, it obviously does not run afoul of the Fourteenth Amendment.

We conclude that the Act of January 9, 1964, No. 2, which provided for senatorial reapportionment, violates the Fourteenth Amendment in denying to Philadelphia, Westmoreland and Luzerne Counties one additional senator each and in alloting those three senators to the less populous counties of the State. To the extent that Sections 16 and 18[3] of Article II of the Pennsylvania

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[3] Section 18 of Article II of the Pennsylvania constitution provides:

"The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections."

constitution appear to compel this result they may not be regarded as mandatory[6] upon the General Assembly of the Commonwealth which is bound to comply with the equal protection clause of the Fourteenth Amendment to the federal constitution as the supreme law of the land.[7]

We turn then to consider the Act of January 9, 1964, No. 1, which reapportions the members of the House of Representatives of the Commonwealth and fixes representative districts. Section 17 of Article II of the State constitution which regulates this apportionment provides:

> "The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two-hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county

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[6] It may well be that in the light of the Fourteenth Amendment, which was in force when the present Pennsylvania constitution was adopted, these provisions should be construed as directory only.

[7] Sims v. Frink, M.D. Ala. 1962, 208 F. Supp. 431; Valenti v. Dempsey, D. Conn. 1962, 211 F. Supp. 911; Sincock v. Duffy, D. Del. 1963, 215 F. Supp. 169; Butterworth v. Dempsey, D. Conn. 1964, F. Supp.

having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives."

The ratio for representatives under the 1960 census is 56,597 (11,319,366 divided by 200). One-half a ratio is 28,298. In accordance with these constitutional requirements and applying this representative ratio, Act of January 9, 1964, No. 1, fixed the number of representatives at 209 and allotted them to the counties as follows:

County	*Population*	*No. of Representatives*
County with population of more than 35 but less than 35-1/2 ratios		
Philadelphia	2,002,512	35
County with population of more than 28-1/2 but less than 29 ratios		
Allegheny	1,628,587	28
County with population of more than 9-1/2 but less than 10 ratios		
Delaware	553,154	9
County with population of more than 9 but less than 9-1/2 ratios		
Montgomery	516,68_	9
Counties with population of more than 6 but less than 6-1/2 ratios		
Westmoreland	352,629	6
Luzerne	346,972	6

County with population of more than 5 but less than 5-1/2 ratios

Bucks	308,567	5
	5,709,103	98

Counties with population of more than 4-1/2 but less than 5 ratios

Lancaster	278,359	5
Berks	275,414	5

County	*Population*	*No. of Representatives*

Counties with population of more than 3-1/2 but less than 4-1/2 ratios

Erie	250,682	4
York	238,336	4
Lackawanna	234,531	4
Lehigh	227,536	4
Dauphin	220,255	4
Washington	217,271	4
Chester	210,608	4
Beaver	206,948	4
Cambria	203,283	4
Northampton	201,412	4

Counties with population of more than 2-1/2 but less than 3-1/2 ratios

Schuylkill	173,027	3
Fayette	169,340	3

Counties with population of more than 1-½ but less than 2-½ ratios

Blair	137,270	2
Mercer	127,519	2
Cumberland	124,816	2
Butler	114,639	2
Lawrence	112,965	2
Lycoming	109,367	2
Northumberland	104,138	2
Lebanon	90,853	2
Franklin	88,172	2

Counties with population of more than ½ but less than 1-½ ratios

Clearfield	81,534	1
Armstrong	79,524	1
Centre	78,580	1
Crawford	77,956	1
Somerset	77,450	1
Indiana	75,366	1
Venango	65,295	1
Bradford	54,925	1
McKean	54,517	1
Columbia	53,489	1
Carbon	52,889	1
Adams	51,906	1
Jefferson	46,792	1
Warren	45,582	1
Mifflin	44,348	1
Bedford	42,451	1
Monroe	39,567	1
Huntingdon	39,457	1
Greene	39,424	1

Clinton	37,619	1
Clarion	37,468	1
Elk	37,328	1
Tioga	36,614	1
Susquehanna	33,137	1
	5,399,899	98

County	*Population*	*No. of Representatives*
Counties with population of less than 1/2 ratio		
Wayne	28,237	1
Perry	26,582	1
Union	25,646	1
Snyder	25,922	1
Wyoming	16,813	1
Montour	16,730	1
Potter	16,483	1
Juniata	15,874	1
Fulton	10,597	1
Pike	9,158	1
Cameron	7,586	1
Sullivan	6,251	1
Forest	4,485	1
	210,364	13
Grand Total	11,319,366	209

When we study this apportionment in the light of the representative ratio of 56,597 we see a substantial under-representation of the more populous counties, particularly

Allegheny and Delaware, and a gross over-representation of the thirteen least populous counties. This is shown by the following table:

Counties	*No. of Representatives*	*Average Population Per Representative*
Philadelphia (the most populous)	35	57,214
Allegheny (second most populous)	28	58,163
Delaware (third most populous)	9	61,461
Montgomery, Westmoreland, Luzerne, Bucks (next most populous)	26	58,648
47 next most populous counties (less than 5 ratios and more than ½ ratio each)	98	55,101
13 least populous counties (less than ½ ratio each)	13	16,182
Entire State	209	54,159[8]

What has already been said regarding the disparities in senatorial apportionment largely applies here, particularly with respect to the thirteenth smallest sparsely populated rural counties. Here again the basis for this discrimination is to be found in the provisions of the Pennsylvania constitution. The plaintiffs urge that three provisions of Section 17 of Article II are responsible.

[8] This is not the representative ratio but the figure obtained by dividing the population of the State by 209.

The first of these to which they point is the requirement that each county, no matter how small its population, shall have at least one representative. Its effect is to give a representative to each of the thirteen counties having less than one-half a representative ratio, ranging from Wayne with a population of 28,237 to Forest with a population of 4,485, thus providing a representative, on the average, for each 16,182 persons which is only 29% of the state ratio. The most extreme example is Forest county with one representative for only 8% of a ratio. We are clear that this amounts to discrimination in favor of the people of these small rural counties which is invidious since it inevitably dilutes the representation of the people of the more populous counties. The defendants urge that county lines should be respected and we have agreed in general with that proposition. We agree, as we have suggested in discussing senatorial apportionment, that the use of the county as a unit of representation will not run afoul of the equal protection clause to the extent that such use may involve departing from strict equality of representation. But we think that the disparities which result must operate in a purely random and unpremeditated way, and must not exceed or fall short of, as the results of a particular census may dictate, the statewide ratio population by more than a major fraction. This, of course, is not to say that the county unit may be used in such a way as to result in an intentional and inevitable distortion of representation either in favor of or against the people of the county involved. That is the case here with regard to these thirteen least populous Pennsylvania counties. There is no practical reason why, in order to eliminate this built-in discrimination in favor of their people, they should not be added to adjoining counties to form single member representative districts, just as is done in the

case of senatorial districts, just as is done in Pennsylvania with respect to most of these counties in forming judicial districts,[9] and just as was done before the constitution of 1873 with respect to representative districts themselves.[10] That this may readily be accomplished in an equitable way is apparent from the possible arrangement indicated in the following table:

Counties	*Population*
Wayne and Pike	37,395
Perry and Juniata	42,456
Union and Snyder	51,568
Susquehanna and Wyoming	49,950
Columbia and Montour	70,219
Potter and Tioga	53,097
Huntingdon and Fulton	50,054
Elk and Cameron	44,914
Bradford and Sullivan	61,176
Clarion and Forest	41,893

In addition to the discrimination against the people of the more populous counties which results from the separate representation allotted to the smallest counties, the plaintiffs point to the restriction, applicable only to the counties having five or more ratios of population, against being allotted an additional representative for a surplus of population exceeding one-half a ratio. Under the 1960 census this restriction applies to the second and third most populous counties, Allegheny and Delaware, depriving each of them of an additional representative

[9] Act of January 8, 1952, P.L. (1951) 1844, 17 P.S. (Pa.) § 784.

[10] See Acts of May 20, 1857, P.L. 619; May 5, 1864, P.L. 258; May 6, 1871, P. L. 252; Buckalew, Constitution of Pennsylvania, 1883, pp. 62-63.

for its surplus of population which exceeds one-half a ratio, a surplus which would have entitled each of them to an additional representative under Section 17 had they been counties with less than five ratios of population. We agree that this provision also is invalid as involving invidious discrimination against the people of these counties, since its only possible purpose and effect is to reduce the number of representatives allotted to the more populous counties below what it would be on a proportional basis, and thereby to increase the representation accorded to the people of the more sparsely populated rural counties above that basis.

The third provision upon which the plaintiffs rely is the requirement that counties be used as bases of representation and that no county or part of a county be joined with another county for that purpose. With respect to counties having less than one-half a ratio of population we agree with the plaintiffs' contention, as we have already indicated. But so far as concerns counties having a population in excess of one-half a ratio we agree with the defendants, for the reasons already stated with regard to the senatorial apportionment, that the use of the county as a basis of representation does not in and of itself involve invidious discrimination in violation of the Fourteenth Amendment.

If Allegheny and Delaware counties were allotted the additional representatives to which, as we have seen, they are equitably entitled and if the thirteen counties having less than one-half a ratio of population are joined with others in some such way as suggested above, so as to form multiple-county districts of approximately ratio size, the invidious discrimination which now exists could be eliminated, as the following table demonstrates:

Counties	*Number of Representatives Population At Present As Suggested*		*Average Population Per Suggested Representative*	
7 most populous	(98)	100	5,709,103	57,091
60 others	(111)	101	5,610,263	55,547

It is true that even such an apportionment as this will not provide equality of representation with mathematical exactness. As we have seen, such exactness is impossible to achieve, especially when retaining the county as a unit of representation. But the disparities which would arise would be limited in extent to a maximum of one-half a ratio either way and they would be purely random and unpremeditated, depending solely on the particular census figures upon which the apportionment is based. The result indicated above under the 1960 census figures indicates a slight under-representation of the seven most populous counties. An analysis discloses that this result is due to the fact that more of the smaller counties showed a surplus of population exceeding one-half a ratio in 1960 than did the larger counties. In 1970 the census figures might well produce the opposite result.

The plaintiffs in No. 8338 and intervening plaintiff Seidman in No. 8293 make the contention that the representative reapportionment act, Act No. 1 of January 9, 1964, is also invalid to the extent that it does not uniformly divide the counties which are entitled to two or more representatives into single-member districts. This contention does not involve any attack on Section 17 of Article II of the Pennsylvania constitution since that section permits the creation of such districts. However, Section 17 does not require that a county be divided into

districts except when it has more than 100,000 population or contains a city having a population equal to a ratio. The section further provides that each district which is set up shall be composed of compact and contiguous territory and shall elect according to its population its proportion of the representatives allotted to the county, and that no district shall elect more than four representatives.

The representative reapportionment act sets up a curious pattern of representative districts in the larger counties. In all the counties entitled to two representatives, except Lebanon, single-member districts are created.[11] Likewise, in the cases of Lackawanna and York, entitled to four representatives, Berks, entitled to five, and Luzerne and Westmoreland, entitled to six, single-member districts are uniformly provided. But in the other larger counties no such pattern is followed, as appears from the following tabulation:

County	
Philadelphia	18 single-member districts 7 two-member districts 1 three-member district
Allegheny	8 single-member districts 5 two-member districts 2 three-member districts 1 four-member district
Delaware	1 single-member district 2 four-member districts

[11] Blair, Butler, Cumberland, Franklin, Lawrence, Lycoming, Mercer and Northumberland.

County	
Montgomery	3 two-member districts 1 three-member district
Bucks	1 single-member district 1 four-member district
Lancaster	1 single-member district 1 four-member district
Erie	2 single-member districts 1 two-member district
Lehigh	2 two-member districts
Dauphin	1 single-member district 2 two-member districts
Washington	2 two-member districts 2 two-member districts
Chester	2 single-member districts 1 two-member district
Beaver	2 single-member districts 1 two-member district
Cambria	1 single-member district 1 two-member district
Northampton	1 single-member district 1 two-member district
Schuylkill	
Fayette	

The defendants have offered no explanation for thus dividing fourteen of the larger counties entirely into single-member districts, while at the same time dividing the fifteen other larger counties, many of them adjoining the single-member district counties, into a crazy quilt of one, two, three and four-member districts. Compare, for example, the disparate treatment accorded to three quite homogeneous adjoining counties, Berks, Lancaster and York. In the absence of any legislative history or other explanation justifying it, and we have found none, we can only conclude that this districting is either the result of gerrymandering for partisan advantage, as was suggested at the hearing, or that it is wholly arbitrary and capricious.

The plaintiffs' contention is that thus providing a haphazard arrangement of two, three and four-member districts alongside of single-member districts violates the basic principle of one man—one vote which is, as we have seen, implicit in the constitutional concept of equal protection of the laws in this field. We are constrained to agree with this contention.

Theoretically, at least, when an electorate is called upon to select from their number a smaller group to speak and act for them in a representative assembly, each voter should participate in the selection of one of the representatives only. For since the persons elected are to comprise a boiled down reflection, as it were, of the larger electorate, and since each of them, therefore, in a very real sense stands in the assembly in the place of a group of voters, it would appear to interfere with and dilute the voting rights of others for a voter to participate in the election of more than one representative. It is doubtless upon this principle that the single-member dis-

trict system has become the widely accepted method of electing the members of Congress and of many other legislative bodies.

However this may be, we think that invidious discrimination in voting power results when, as in the case before us, some Pennsylvania voters may by reason of the arrangement of legislative districts vote for two, three or even four representatives, while others are restricted to voting for one only. Certainly a voter in a four-member district will not only have four votes for representative, but he will also have four members of the House who will be especially concerned with his views and interests and amenable to his persuasion, since they will want the benefit of his suffrage for reelection. The voter in a single-member district, however, will have only one representative to look to express his views and espouse his interests. We are, of course, not dealing here with a case where all the representatives are elected at large, so that each voter has the same number of votes as every other voter, or with a situation where the districts all elect the same number of members, whether two or more. Those situations do not violate the principle of one man—one vote. But we think that this principle means what it says. It does not mean, for example, in Allegheny County one man—one vote in McKeesport, two votes in Clairton, three votes in Wilkinsburg and four votes in Sewickley, which the statute under consideration authorizes.

It is likewise true we think, as the plaintiffs in No. 8338 urge, that the single-member district has important advantages over the multi-member district or election at large in bringing about a better representation of the body of the voters. Minority groups living in particular localities may well be submerged in elections at large but

can often make their voting power much more effective in the smaller single-member district in which they may live. Moreover, a much more widespread personal contact between the representative and his constituents and knowledge by the representative of the views and desires of the voters is possible in a single-member district than in a larger multi-member one where the number of voters is much greater and the responsibility of representation is divided among two or more representatives answerable to the same electorate.

We conclude that the Act of January 9, 1964, No. 1, which provided for the apportionment of State representatives violates the Fourteenth Amendment in denying to Allegheny and Delaware Counties one additional representative each, in allotting separate representatives to each of the thirteen counties having less than one-half a ratio of population instead of combining each of them with an adjoining county for the purpose of electing a representative, and in failing to divide Philadelphia, Allegheny, Delaware, Montgomery, Bucks, Lancaster, Erie, Lehigh, Dauphin, Washington, Chester, Beaver, Cambria, Northamption, Fayette and Lebanon counties into single-member districts for the election of representatives. Just as in the case of the senatorial apportionment law, to the extent that Sections 17 and 18 of Article II of the Pennsylvania constitution appear to compel this apportionment they may not be regarded as mandatory upon the General Assembly which must follow the mandate of the Fourteenth Amendment in this regard.

We desire to reiterate that we do not regard the departures from exact equality of representation resulting from the use of the county as a unit for the apportionment of senators and representatives and for the creation

of senatorial and representative districts to constitute a denial of the equal protection of the laws provided that the departure from the statewide norm or ratio reflected by the county's population does not exceed a major fraction ($\frac{1}{2}$) of a ratio. Such disparity within the limits of a major fraction of a ratio is unavoidable and its effect will be undesigned and random in the sense that it may go either way in the case of any county, depending entirely on the census figures. What we do hold to be a denial of equal protection of the laws to the people of the more populous counties are those provisions of each act which create imbalances in representation as the direct result of provisions of the Pennsylvania constitution which were designed and are effective to discriminate against them only, by giving more than their fair share of representation to the people of the rural areas of the State at the expense of the urban and suburban dwellers of those populous counties. We also hold that the provisions of the representative apportionment act for multi-member districts in certain parts of certain counties deny to the voters in the single-member districts of those and other counties the equal protection of the laws by depriving them of voting power equal to that of the voters of the multi-member districts.

It follows that an injunction must issue restraining the defendants from enforcing the recently enacted apportionment acts or conducting either primary or general elections thereunder. Under the Pennsylvania constitution, however, one-half of the members of the Senate and all of the members of the House of Representatives are to be elected at the general election on November 3, 1964. Provision must, therefore, be made in time so that these elections can be held. We note that the General Assembly

of the Commonwealth is presently in session. By adding the subject of reapportionment to the proclamation which called the present special session or by calling another special session for that purpose the Governor can make it possible for the General Assembly to enact valid reapportionment legislation in ample time to be effective for the forthcoming general election. We sincerely hope that such action will be taken. It is true, of course, that it will be too late for candidates for the Senate and House under such legislation to be nominated at the spring primary election on April 28th. But nominations of candidates, under these circumstances could still be made by party committee certificates and independent nomination papers under Section 993 of the Pennsylvania Election Code [12] up to September 21, 1964.

As we have said, we sincerely hope and expect that the Governor and the Legislature of Pennsylvania will do their duty in this regard by enacting promptly the necessary reapportionment laws. For this task is rightly theirs and it is much better in every way that they, and not this Court, should perform it. But we must recognize the possibility that they will not do so, in which event it will be our duty to take the necessary action to make possible the election of senators and representatives to the General Assembly at the 1964 general election under a valid apportionment of seats and thus to enable government in the Commonwealth to go on. Our judgment restraining the enforcement of the Apportionment Acts of January 9, 1964 will, therefore, direct the parties to consider and submit to the Court proposed forms of judgment designed to give complete relief, including the

[12] 25 P.S. (Pa.) § 2953.

formulation of senatorial and representative districts in accord with federal constitutional requirements, in case the General Assembly fails to take appropriate action. Such proposals will be submitted prior to June 1, 1964 on which day this Court will sit to consider the proposals submitted and to take such action as may be appropriate in the light of the situation then existing.

A judgment will be entered in accordance with this opinion.

III.

FINDINGS OF FACT AND CONCLUSIONS OF LAW FILED APRIL 9, 1964

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 8293

Ira Walton Drew et al.,
Plaintiffs

and

Marshall J. Seidman,
Intervening Plaintiff

vs.

William W. Scranton et al.,
Defendants

Civil Action No. 8338

Michael Johnson et al.,
Plaintiffs

vs.

George I. Bloom,
Defendant

Present: Maris, Circuit Judge, and Sheridan and Nealon, District Judges

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court having fully considered the evidence presented by the parties and certain United States census reports and other data of which it has taken judicial notice and the briefs and argument of counsel in the above entitled consolidated cases, makes the following:

FINDINGS OF FACT

1. Plaintiffs, in Civil Action No. 8293, Ira Walton Drew, J. Claude Bowen, John B. McCrea, Irving Kaufman and Jean McCoskey, are taxpayers and qualified voters residing respectively within the Counties of Philadelphia, Bucks, Montgomery, Delaware and Luzerne in the Commonwealth of Pennsylvania.

2. The intervening plaintiff in Civil Action No. 8293, Marshall J. Seidman, is a citizen, duly qualified elector and taxpayer of the Commonwealth of Pennsylvania, residing in Montgomery County.

3. Plaintiffs in Civil Action No. 8338, Michael Johnson, Harry Block, Henry P. Groton, Eugene Joseph Considine, and Frederick Blair Hughes, are citizens, duly qualified electors, registered voters and taxpayers of the Commonwealth of Pennsylvania, residing respectively within the Counties of Montgomery, Philadelphia, Delaware, Luzerne and Clearfield.

4. Defendant, William W. Scranton, is the Governor of the Commonwealth of Pennsylvania, and is vested by

the Constitution of the Commonwealth of Pennsylvania with over-all responsibility for the execution and enforcement of the laws of the Commonwealth.

5. Defendant, George L. Bloom, is the Secretary of the Commonwealth of Pennsylvania, and is vested by the provisions of the Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, as amended, 25 Purdon's Statutes §§ 2600, et seq., with certain principal functions leading to the nomination, election and certification of the several candidates for membership in the Senate and House of Representatives of the Commonwealth of Pennsylvania.

6. Defendant, Walter E. Alessandroni, is the Attorney General of the Commonwealth of Pennsylvania, and is vested with the responsibility, under the supervision of the Governor, for the enforcement and implementation of the Pennsylvania Constitution and all laws enacted by the state legislature.

7. Defendants, Raymond P. Shafer, M. Harvey Taylor and W. Stuart Helm, are respectively President and President Pro Tempore of the Senate and Speaker of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania and, as the presiding officers of their respective Houses of the General Assembly, they are vested by Article III, § 9 of the Pennsylvania Constitution with the responsibility of signing all bills passed by the General Assembly and possess all other duties and responsibilities inherent in the office of presiding officer of a legislature.

8. In a special session of the legislature which met from November 12, 1963, to December 14, 1963, the General Assembly of the Commonwealth of Pennsylvania re-

apportioned the senatorial and representative districts to conform with the population of the Commonwealth, as determined by the 1960 census.

9. The senatorial districts in the Commonwealth were reapportioned by the Act of January 9, 1964, No. 2, (hereinafter called the "Senatorial Apportionment Act"), which was passed by the legislature on December 9, 1963, and approved by the defendant, Governor William W. Scranton, on January 9, 1964.

10. The representative districts in the Commonwealth were reapportioned by the Act of January 9, 1964, No. 1, (hereinafter called the "Representative Apportionment Act"), which was passed by the legislature on December 9, 1963, and approved by the defendant, Governor William W. Scranton, on January 9, 1964.

11. These acts reapportioned the Senate and House of Representatives in accordance with the provisions in Article II, §§ 16 and 17 of the Pennsylvania Constitution.

12. Article II, § 16 of the Pennsylvania Constitution provides for apportionment of the Senate as follows:

(a) Fifty senatorial districts of compact and contiguous territory are to be created, as nearly equal in population as possible and each district is entitled to elect one senator.

(b) The population of the State at the most recent census is divided by the number 50. The quotient obtained constitutes a "ratio" of population which is the unit used in apportioning senators among the counties.

(c) Each county containing one or more ratios of population is entitled to elect one senator for each ratio

and to elect an additional senator for a surplus of population exceeding three-fifths of a ratio.

(d) No matter how great its population may come to be, no county may be given separate representation exceeding one-sixth of the total number of senators.

(e) No county may form a separate district unless it contains four-fifths of a ratio except where the adjoining counties are each entitled to one or more senators in which event such county may be assigned a senator if it contains less than four-fifths but more than one-half a ratio.

(f) No county may be divided unless entitled to two or more senators.

(g) No ward, borough or township may be divided to form a district.

13. The population of Pennsylvania according to the 1960 census is 11,319,366, and the senatorial ratio based thereon is 226,387.

14. The Senatorial Apportionment Act reapportions the Senate as follows:

District No.	*Counties*	*1960 Population*
1	Philadelphia (part)	260,767
2	Philadelphia (part)	255,869
3	Philadelphia (part)	251,415
4	Philadelphia (part)	241,032
5	Philadelphia (part)	236,148
6	Philadelphia (part)	243,667
7	Philadelphia (part)	266,242
8	Philadelphia (part)	248,372

9	Delaware (part)	255,888
10	Bucks	308,567
11	Berks	275,414
12	Montgomery (part)	262,794
13	Lancaster	278,359
14	Carbon, Monroe, Pike, Wayne	129,851
15	Dauphin	220,255
16	Lehigh	227,536
17	Montgomery (part)	253,888
18	Northampton	201,412
19	Chester	210,608
20	Luzerne	346,972
21	Butler, Lawrence	227,604
22	Lackawanna	234,531
23	Wyoming, Susquehanna, Bradford, Tioga, Sullivan	147,740
24	Lycoming, Montour, Columbia	179,586
25	Clinton, Cameron, Potter, McKean, Warren	161,787
26	Delaware (part)	297,266
27	Union, Snyder, Northumberland	155,706
28	York	238,336
29	Schuylkill, Lebanon	263,880
30	Blair, Huntingdon	176,727
31	Mifflin, Juniata, Perry, Cumberland	211,620
32	Greene, Fayette	208,764
33	Franklin, Adams	140,078
34	Clearfield, Centre	160,114
35	Cambria	203,283
36	Fulton, Bedford, Somerset	130,498
37	Allegheny (part)	235,125
38	Allegheny (part)	233,003

39	Westmoreland	352,629
40	Allegheny (part)	241,6[illegible]
41	Jefferson, Indiana, Armstrong	201,682
42	Allegheny (part)	226,269
43	Allegheny (part)	237,367
44	Allegheny (part)	233,036
45	Allegheny (part)	222,104
46	Washington	217,271
47	Beaver	206,948
48	Venango, Clarion, Forest, Elk	144,516
49	Erie	250,682
50	Crawford, Mercer	205,475
		11,319,366

15. The Senatorial Apportionment Act creates senatoria districts which contain widely varying numbers of people; certain of the counties in the Commonwealth are under-represented and others are over-represented.

16. Under the Senatorial Apportionment Act, Bucks County (10th District) with a population of 308,567; Luzerne County (20th District) with a population of 346,972, and Westmoreland County (39th District) with a population of 352,629, will each be represented by one senator, as compared with the counties comprising the 14th District (Carbon, Monroe, Pike and Wayne) with a population of 129,851; the 36th District (Somerset, Bedford and Fulton) with a population of 130,498; the 33rd District (Franklin and Adams) with a population of 140,078; the 48th District (Elk, Forest, Clarion and Venango) with a population of 144,516, and the 23rd District (Tioga, Bradford, Susquehanna, Sullivan and

Wyoming) with a population of 147,740 respectively, each of which also will be represented by one senator.

17. In some instances, under the Senatorial Apportionment Act, a senator elected from one senatorial district will represent in excess of two and one-half times the number of persons who will be represented by a senator elected from another senatorial district.

18. Certain over-represented, sparsely populated or rural districts adjoin under-represented, densely populated or urban districts; for example, the 14th and 23rd Districts adjoin the 20th District, and the 36th District adjoins the 39th District.

19. The seven most populous counties (Philadelphia, Allegheny, Delaware, Montgomery, Westmoreland, Luzerne and Bucks), with a combined population of 5,709,103, or 50.4% of the total population of the State, will be represented by only 22 senators, or 44% of the total number of senators.

20. The 58 least populated counties with a combined population of 5,056,490, or 44.6% of the total population, can elect 26 senators, or a majority of the Senate.

21. Philadelphia, with a population of 2,002,512, has 8.85 senatorial ratios, and is assigned only 8 senators, as compared with the counties in the 14th, 23rd, 25th, 27th, 33rd, 34th, 36th and 48th senatorial districts, having a combined population of 1,170,290 or 5.17 ratios, which also are assigned 8 senators.

22. Under the previous apportionment act, Luzerne County was assigned two senators. With its current population of 346,972, this amounted to one senator for

each 173,486 people. Under the Senatorial Apportionment Act, Luzerne has lost one of its senators, and now has one senator for 346,972 people. The 24th District, which adjoins Luzerne County, formerly consisted of Lycoming, Sullivan, Columbia and Montour Counties and now has a total population of 185,837. Under the Senatorial Apportionment Act, Sullivan County was eliminated, but the 24th District with a population of only 179,586, still retains its one senator for this population.

23. The counties in the senatorial districts which are under-represented are primarily the densely populated or urban and suburban counties.

24. The counties in the senatorial districts which are over-represented are primarily the sparsely populated or rural counties.

25. The Senatorial Apportionment Act apportions the Senate in a manner which largely discriminates against the citizens residing in the densely populated or urban and suburban counties of the State in favor of the citizens residing in the sparsely populated or rural counties.

26. There is no rational basis for the disparities and discrimination under the Senatorial Apportionment Act.

27. The disparities and discrimination resulting from the Senatorial Apportionment Act are compelled by Article II, § 16 of certain provisions of the Constitution of Pennsylvania to the extent that they are mandatory.

28. The Senatorial Apportionment Act apportions the Senate in a manner which is invidiously discriminatory.

29. The disparities and discrimination in senatorial representation result in part from the provision of Article II, § 16 of the Pennsylvania Constitution which prohibits counties which are entitled to at least one senator from being represented by an additional senator unless the surplus population over a full ratio exceeds three-fifths of a ratio.

30. The disparities and discrimination in senatorial representation result in part from the provision of Article II, § 16 of the Pennsylvania Constitution which prohibits any county or city from having in excess of one-sixth (or 8) of the total number of senators (50).

31. The disparities in senatorial representation result to some extent from the provision of Article II, § 16 of the Pennsylvania Constitution which prevents the division of a county for the creation of a senatorial district unless that county is entitled to two or more senators.

32. There is no rational basis for the provisions of Article II, § 16 of the Pennsylvania Constitution referred to in findings 29 and 30.

33. The provisions of Article II, § 16 referred to in findings 29 and 30, to the extent that they are mandatory, compel an apportionment of the Senate which is invidiously discriminatory.

34. Article II, § 17 of the Pennsylvania Constitution does not provide for a fixed number of representatives or representative districts in the House of Representatives. The membership of the House of Representatives and the apportionment of the representatives among the counties are determined as follows on the basis of a representative

ratio which is ascertained by dividing the population of the State by 200:

(a) Each county is assigned at least one representative, regardless of its population.

(b) Each county having a population containing less than five ratios is assigned one representative for each whole ratio and an additional representative for a remaining fraction of a ratio greater than one-half.

(c) Each county having a population containing five ratios or more is assigned one representative for each whole ratio but none for an additional fraction of a ratio.

(d) The counties and cities within a county may be subdivided into representative districts. Every city containing a population equal to a ratio elects separately its own proportion of the total number of representatives allocated to a particular county. Every county with a population exceeding 100,000 is to be subdivided into districts of compact and contiguous territory. Each district elects its proportionate number of representatives, but no district may elect more than four.

35. The representative ratio based on the population of Pennsylvania as determined by the 1960 census is 56,597. One-half a ratio is 28,298.

36. In accordance with the formula contained in Article II, §17 of the Pennsylvania Constitution, the Representative Apportionment Act allocated 209 members to the House of Representatives.

37. The Representative Apportionment Act creates representative districts and apportions representatives among the counties, as follows:

County	*No. of Districts*	*No. of Representatives*	*1960 Population*
Philadelphia	26	35	2,002,512
Adams	1	1	51,906
Allegheny	16	28	1,628,587
Armstrong	1	1	79,524
Beaver	2	4	206,948
Bedford	1	1	42,451
Berks	5	5	275,414
Blair	2	2	137,270
Bradford	1	1	54,925
Bucks	2	5	308,567
Butler	2	2	114,639
Cambria	3	4	203,283
Cameron	1	1	7,586
Carbon	1	1	52,889
Centre	1	1	78,580
Chester	2	4	210,608
Clarion	1	1	37,408
Clearfield	1	1	81,534
Clinton	1	1	37,619
Columbia	1	1	53,489
Crawford	1	1	77,956
Cumberland	2	2	124,816
Dauphin	2	4	220,255
Delaware	3	9	553,154
Elk	1	1	37,328
Erie	3	4	250,682
Fayette	2	3	169,340

County	*No. of Districts*	*No. of Representatives*	*1960 Population*
Forest	1	1	4,485
Franklin	2	2	88,172
Fulton	1	1	10,597
Greene	1	1	39,424
Huntingdon	1	1	39,457
Indiana	1	1	75,366
Jefferson	1	1	46,792
Juniata	1	1	15,874
Lackawanna	4	4	234,531
Lancaster	2	5	278,359
Lawrence	2	2	112,965
Lebanon	1	2	90,853
Lehigh	2	4	227,536
Luzerne	6	6	346,972
Lycoming	2	2	109,367
McKean	1	1	54,517
Mercer	2	2	127,519
Mifflin	1	1	44,348
Monroe	1	1	39,567
Montgomery	4	9	516,682
Montour	1	1	16,730
Northampton	3	4	201,412
Northumberland	2	2	104,138
Perry	1	1	26,582
Pike	1	1	9,158
Potter	1	1	16,483
Schuylkill	2	3	173,027
Snyder	1	1	25,922
Somerset	1	1	77,450
Sullivan	1	1	6,251

County	*No. of Districts*	*No. of Representatives*	*1960 Population*
Susquehanna	1	1	33,137
Tioga	1	1	36,614
Union	1	1	25,646
Venango	1	1	65,295
Warren	1	1	45,582
Washington	2	4	217,271
Wayne	1	1	28,237
Westmoreland	6	6	352,629
Wyoming	1	1	16,813
York	4	4	238,336
	155	209	11,319,366

38. Under the Representative Apportionment Act, six counties, namely, Clearfield with a population of 81,534, Armstrong with a population of 79,524, Centre with a population of 78,580, Crawford with a population of 77,956, Somerset with a population of 77,450, and Indiana with a population of 75,366, are assigned only one representative each, or a total of six representatives for an aggregate population of 470,410. Six other counties, namely, Forest with a population of 4,485, Sullivan with a population of 6,251, Cameron with a population of 7,586, Pike with a population of 9,158, Fulton with a population of 10,597, and Juniata with a population of 15,874, are also assigned one representative each, or a total of six representatives for an aggregate population of 53,951.

39. Under the Representative Apportionment Act there are counties in which legislators represent as many

as 8 to 18 times the number of persons represented by legislators from other counties.

40. The counties which are under-represented in the House of Representatives are primarily the densely populated or urban and suburban counties.

41. The counties which are over-represented in the House of Representatives are primarily the sparsely populated or rural counties, although certain rural counties are under-represented.

42. Certain over-represented rural counties adjoin under-represented counties; for example, Forest with one representative per 4,485 adjoins Venango with one representative per 65,295; Sullivan with one representative per 6,251 adjoins Lycoming with one representative per 54,684; Cameron with one representative per 7,586 adjoins Clearfield with one representative per 81,534; Montour with one representative per 16,730 adjoins Columbia with one representative per 53,489; and Wyoming with one representative per 16,813 adjoins Lackawanna with one representative per 58,633.

43. Under the Representative Apportionment Act the seven most populous counties (Philadelphia, Allegheny, Delaware, Montgomery, Westmoreland, Luzerne and Bucks) having a combined population of 5,709,103 or 50.4% of the total population of the State, are represented by only 98 representatives, or 46.9% of the total of 209 representatives.

44. Under the Representative Apportionment Act the remaining 60 counties having a combined population of 5,610,263, or 49.6% of the total population of the State, elect 111 representatives, or 53.1% of the total number.

45. When the vote is considered by subdivisions within the counties, districts having a combined population of 4,887,887, or 43.2% of the total population of the State, elect 105 representatives, a majority of the House of Representatives.

46. Allegheny County with a population of 1,628,587, equal to 28.78 representative ratios, is assigned only 28 representatives; Delaware County with a population of 553,154, equal to 9.77 representative ratios, is assigned only 9 representatives. Neither of these counties receives an additional representative for its .78 and .77 of a ratio, respectively. On the other hand, six counties: Beaver with a population of 206,948, equal to 3.66 representative ratios; Cambria with a population of 203,283, equal to 3.59 representative ratios; Chester with a population of 210,608, equal to 3.72 representative ratios; Franklin with a population of 88,172, equal to 1.56 representative ratios; Lebanon with a population of 90,853, equal to 1.61 representative ratios; and Northampton with a population of 201,412, equal to 3.56 representative ratios, are assigned additional representatives for their fractions of a representative ratio, all of which are less than the fractions in Allegheny and Delaware Counties.

47. The five least populated counties (Forest, Sullivan, Cameron, Pike and Fulton) having a combined population of 38,077, or only .67 of a single representative ratio, are assigned a total of five representatives.

48. Thirteen counties in the Commonwealth each have a population of less than one-half of a representative ratio. They are assigned a total of 13 representatives.

49. The Representative Apportionment Act apportions the House of Representatives in a manner which substantially discriminates against the citizens residing in the densely populated or urban and suburban counties of the State in favor of the citizens residing in the sparsely populated or rural counties.

50. There is no rational basis for the disparities and discrimination under the Representative Apportionment Act.

51. The Representative Apportionment Act apportions the House of Representatives in a manner which is invidiously discriminatory.

52. The disparities and discrimination resulting from the Representative Apportionment Act are compelled by certain provisions of Article II, §17 of the Pennsylvania Constitution to the extent that they are mandatory.

53. The disparities and discrimination in the Representative Apportionment Act result in part from the provision of Article II, §17 of the Pennsylvania Constitution, which requires that every county be assigned at least one representative regardless of its population.

54. The disparities and discrimination in the Representative Apportionment Act result in part from the provision of Article II, §17 of the Pennsylvania Constitution, which prevents any county with five or more full representative ratios from obtaining an additional representative without an additional full ratio, while permitting counties with fewer than five full representative ratios to be assigned an additional representative when the surplus exceeds one-half of a ratio.

55. There is no rational basis for the discriminatory provisions of Article II, §17 of the Pennsylvania Constitution referred to in findings 53 and 54.

56. The provisions of Article II, §17 referred to in findings 53 and 54, to the extent that they are mandatory, compel an apportionment of the House of Representatives which is invidiously discriminatory.

57. The Representative Apportionment Act creates 116 single-member representative districts, 37 in the 37 counties to which only one member each is allotted, and 79 in the counties to which two or more members are allotted. In the latter counties 29 two-member districts, 5 three-member districts, and 5 four-member districts are also created.

58. These varying districts follow no logical or consistent pattern. In all the counties to which two representatives are allotted, single-member districts are set up, except in Lebanon which constitutes a two-member district. Likewise in the cases of Lackawanna and York, entitled to four representatives; Berks, entitled to five, and Luzerne and Westmoreland, entitled to six, single-member districts are uniformly provided. In the other larger counties districts are created as follows:

County	*District*
Philadelphia	18 single-member districts
	7 two-member districts
	1 three-member district
Allegheny	8 single-member districts
	5 two-member districts
	2 three-member districts
	1 four-member district

County	*District*
Delaware	1 single-member district
	2 four-member districts
Montgomery	3 two-member districts
	1 three-member district
Bucks	1 single-member district
	1 four-member district
Lancaster	1 single-member district
	1 four-member district
Erie	2 single-member districts
	1 two-member district
Lehigh	2 two-member districts
Dauphin	1 single-member district
	1 three-member district
Washington	2 two-member districts
Chester	2 two-member districts
Beaver	2 two-member districts
Cambria	2 single-member districts
	1 two-member district
Northampton	2 single-member districts
	1 two-member district
Schuylkill	1 single-member district
	1 two-member district
Fayette	1 single-member district
	1 two-member district

59. The multiple-member districts operate to give the voters therein voting power and influence in the legislative process which is greater (in proportion to the number of representatives for whom they may vote and who will represent them) than that which is enjoyed by the voters in the single-member districts.

60. The multiple-member districts created by the Representative Apportionment Act discriminate against political minorities.

61. There is no rational basis for the existence of multiple-member districts in Pennsylvania.

62. For no rational reason Allegheny County consists of eight single-member districts, five two-member districts, two three-member districts, and one four-member district.

63. For no rational reason three adjoining counties with common geographic and socio-economic conditions and a largely homogeneous population are subdivided in a different manner. Berks County is subdivided into five single-member districts. Lancaster County is divided into one single-member and one four-member districts. York County is subdivided into four single-member districts.

64. For no rational reason Bucks County consists of one single-member district and one four-member district. Five single-member districts could have been created easily.

65. For no rational reason Butler County consists of two single-member districts and one two-member district.

66. For no rational reason Cambria County consists of two single-member districts and one two-member district.

67. For no rational reason Dauphin County consists of one single-member district and one three-member district.

68. For no rational reason Delaware County consists of one single-member district and two four-member districts.

69. For no rational reason the City of Erie is split into two single-member districts but the outlying area of Erie County consists of a two-member district.

70. For no rational reason Fayette County consists of a single-member and a two-member district.

71. For no rational reason Franklin County consists of a single-member and a two-member district.

72. For no rational reason Lebanon County consists of one two-member district.

73. For no rational reason Lehigh County is divided into two two-member districts. Unlike Erie, Scranton and Reading, the City of Allentown with a population of 108,347 was not divided into single member districts.

74. For no rational reason Montgomery County consists of three two-member districts and one three-member district.

75. For no rational reason Northampton County consists of two single-member districts and one two-member district.

76. For no rational reason the City and County of Philadelphia consists of 18 single-member districts, seven two-member districts, and one three-member district.

77. For no rational reason Schuylkill County consists of one single-member and one two-member districts.

78. For no rational reason Washington County consists of two two-member distric

79. No rational reason has been shown for the foregoing allocation of multiple-member districts as provided in the Representative Apportionment Act.

80. Generally, the counties which are over-represented in the House of Representatives are allocated to senatorial districts which similarly are over-represented in the Senate.

81. These over-represented counties are, generally speaking, basically rural in character, sparsely populated, with decreasing or stabilized populations.

82. Eleven of the 67 counties are under-represented in both houses of the Pennsylvania General Assembly.

83. Generally speaking these under-represented counties are basically urban and suburban in character, densely populated (seven of them with increasing populations) and contain the larger cities of the State.

84. Delaware County with a population of 553,154, equivalent almost to two and one-half ratios, will have only one Senator until January of 1967, whereas the 26th Senatorial District with a population of 79,221, equivalent to slightly more than one-third of a ratio, and the 48th Senatorial District with a population of 65,295, equivalent to less than one-third of a ratio, each will have a Senator during that period.

85. The Senatorial and Representative Apportionment Acts together create an apportionment scheme for the General Assembly of Pennsylvania which is discriminatory in favor of the sparsely populated or rural counties of the State, thereby debasing the votes of the plaintiffs and others similarly situated, who reside in the more

densely populated or urban and suburban counties of the State.

86. Some of the disparities in the representation afforded the citizens of the several counties under both Apportionment Acts are compelled by the provisions of Article II, §§16 and 17 of the Pennsylvania Constitution, which provide that counties shall be the units for the determination of representation in the General Assembly and which require that each county shall be separately represented in the House of Representatives.

87. The disparities resulting from the constitutional requirement that counties having less than one-half a representative ratio of population shall be separately represented by a member of the House of Representatives involve discrimination in favor of the citizens of those counties and against the citizens of all the more populous counties of the State.

88. The disparities resulting from the constitutional provisions that counties shall be the units for the determination of representation in the General Assembly, to the extent that they do not exceed one-half the senatorial or representative ratio, as the case may be, are the random results of the population figures for the counties as determined by the 1960 United States census and do not involve a pattern of predetermined discrimination in favor of or against any group or class of citizens of the State.

Upon consideration of the foregoing facts the Court reaches the following

CONCLUSIONS OF LAW

1. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. §1343(3) and 42 U.S.C. §1983.

2. Article II, §16, of the Pennsylvania Constitution compels an apportionment of the Senate of the Pennsylvania General Assembly which is invidiously discriminatory and which denies plaintiffs and others similarly situated of their right to the equal protection of the laws in violation of the Fourteenth Amendment to the Federal Constitution. Article II, §16, of the Pennsylvania Constitution cannot bar action to provide an apportionment plan for the Senate which affords plaintiffs and others similarly situated the equal protection of the laws under the Fourteenth Amendment to the Federal Constitution.

3. Article II, §17, of the Pennsylvania Constitution compels an apportionment of the House of Representatives of the Pennsylvania General Assembly which is invidiously discriminatory and which denies plaintiffs and others similarly situated of their right to the equal protection of the laws in violation of the Fourteenth Amendment to the Federal Constitution. Article II, §17, of the Pennsylvania Constitution cannot bar action to provide an apportionment plan for the House of Representatives which affords plaintiffs and others similarly situated the equal protection of the laws under the Fourteenth Amendment to the Federal Constitution.

4. The Senatorial Apportionment Act of January 9, 1964, No. 2, provides for an apportionment of the Senate

of the Pennsylvania General Assembly which debases the voting rights of plaintiffs and others similarly situated, which is invidiously discriminatory and which denies plaintiffs and others similarly situated of their right to the equal protection of the laws in violation of the Fourteenth Amendment to the Federal Constitution.

5. The Representative Apportionment Act of January 9, 1964, No. 1, provides for an apportionment of the House of Representatives of the Pennsylvania General Assembly which debases the voting rights of plaintiffs and others similarly situated, which is invidiously discriminatory and which denies plaintiffs and others similarly situated of their right to the equal protection of the laws in violation of the Fourteenth Amendment to the Federal Constitution.

6. An election held pursuant to the Senatorial and Representative Apportionment Acts of January 9, 1964, would be invalid and unlawful under the equal protection clause of the Fourteenth Amendment to the Constitution of the United States.

7. Plaintiffs and others similarly situated are irreparably harmed by the apportionment of the Pennsylvania General Assembly in accordance with the apportionment formulas set forth in Article II, §§16 and 17, of the Pennsylvania Constitution and the Senatorial and Representative Apportionment Acts of January 9, 1964, implementing said constitutional provisions.

8. Plaintiffs are entitled to an injunction permanently restraining the enforcement of the Senatorial and Representative Apportionment Acts of January 9, 1964, and to such further relief as may be necessary to assure to them and all other citizens of the Commonwealth the right and

opportunity at the general election of 1964 to elect Senators and Representatives to the General Assembly under an apportionment which will not be invidiously discriminatory against them or any other citizens of the Commonwealth.

Albert B. Maris
Circuit Judge
Michael H. Sheridan
District Judge
William J. Nealon
District Judge

IV.

JUDGMENT DATED APRIL 9, 1964

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Civil Action No. 8293

Ira Walton Drew et al.,

Plaintiffs

and

Marshall J. Seidman,

Intervening Plaintiff

v.

William W. Scranton et al.,

Defendants

Civil Action No. 8338

Michael Johnson et al.,

Plaintiffs

v.

George I. Bloom,

Defendant

Present: MARIS, Circuit Judge, SHERIDAN and NEALON, District Judges

JUDGMENT

These consolidated actions came on for hearing before the Court and the issues having been duly heard and the Court having filed its findings of fact, conclusions of law and opinion, concluding that the Acts of the Commonwealth of Pennsylvania approved January 9, 1964, Nos. 1 and 2, deprive the plaintiffs and other voters of the Commonwealth similarly situated of the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

It Is Ordered and Adjudged

1. That the defendants and each of them are enjoined from enforcing the said Acts of January 9, 1964, Nos. 1 and 2, or conducting or performing any duties under the Pennsylvania Election Code in connection with any primary or general election of senators and representatives pursuant thereto.

2. That the Court retains jurisdiction of these consolidated actions until such time as a valid reapportionment of the senators and representatives in the General Assembly of the Commonwealth has been effected by Acts of the General Assembly or, in default thereof, by decree of this Court or in any other lawful manner.

3. That the Court will reconvene at Philadelphia on June 1, 1964, at 10 o'clock A.M., to consider any further relief to which the plaintiffs may then be entitled in the light of the action the General Assembly may have taken

in the premises in the interim or the lack of such action, and of all other pertinent circumstances.

By the Court:
Albert B. Maris
Circuit Judge
Michael H. Sheridan
District Judge
William J. Nealon
District Judge

April 9, 1964

APPENDIX B

I.

CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA

. . . . . .

ARTICLE II

. . . . . .

Senatorial District Apportionment

Section 16. The State shall be divided into fifty senatorial districts of compact and continuous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Representative District Apportionment

Section 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five full ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives alloted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and continuous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Time of Apportionment

Section 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

* * * * * * * * *

II.

CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA

. . . . . .

ARTICLE VII

Suffrage and Election

Qualification of Electors

Section 1. Every citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least sixty days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within sixty days preceding the election.

. . . . . .

III.

PENNSYLVANIA REPRESENTATIVE APPORTIONMENT ACT OF JANUARY 9, 1964, NO. 1

ACT NO. 1

SENATE REPRINT

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL NO. 1

Special Session of 1963

Introduced by Messrs. Weidner and Bower, November 12, 1963

As Amended on Third Reading in Senate, December 9, 1963

AN ACT

To fix the number of Representatives in the General Assembly of the State; and to apportion the State into representative districts, as provided by the Constitution.

THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA HEREBY ENACTS AS FOLLOWS:

Section 1. That until the next decennial United States census and the apportionment be made thereon by law, the House of Representatives shall consist of two hundred nine members, and shall be apportioned as follows, namely:

The City of Philadelphia shall elect thirty-five members and the said city shall be divided into twenty-six districts, as follows:

The fortieth ward shall constitute the first district, and elect one member.

The forty-sixth, fifty-first and sixtieth wards shall constitute the second district, and elect two members.

The thirty-fourth ward shall constitute the third district, and elect one member.

The fifty-second ward shall constitute the fourth district, and elect one member.

The twenty-fourth, twenty-seventh and forty-fourth wards shall constitute the fifth district, and elect two members.

The thirty-ninth ward shall constitute the sixth district, and elect one member.

The first, twenty-sixth and forty-eighth wards shall constitute the seventh district, and elect two members.

The second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth wards shall constitute the eighth district, and elect one member.

The thirtieth and thirty-sixth wards shall constitute the ninth district, and elect one member.

The thirteenth, fourteenth and fifteenth wards shall constitute the tenth district, and elect one member.

The twenty-ninth and forty-seventh wards shall constitute the eleventh district, and elect one member.

The twentieth, thirty-seventh, thirty-eighth and forty-third wards shall constitute the twelfth district, and elect three members.

The thirty-second ward shall constitute the thirteenth district, and elect one member.

The twenty-eighth ward shall constitute the fourteenth district, and elect one member.

The forty-second ward shall constitute the fifteenth district, and elect one member.

The eleventh, twelfth, sixteenth, seventeenth and nineteenth wards shall constitute the sixteenth district, and elect one member.

The eighteenth, twenty-fifth, thirty-first and forty-fifth wards shall constitute the seventeenth district, and elect two members.

The thirty-third ward shall constitute the eighteenth district, and elect one member.

The forty-first ward shall constitute the nineteenth district, and elect one member.

The fifty-third and fifty-fourth wards shall constitute the twentieth district, and elect one member.

The fifty-sixth, fifty-seventh and fifty-eighth wards shall constitute the twenty-first district, and elect two members.

The twenty-first ward shall constitute the twenty-second district, and elect one member.

The twenty-second ward shall constitute the twenty-third district, and elect one member.

The fifty-ninth ward shall constitute the twenty-fourth district, and elect one member.

The forty-ninth and fiftieth wards shall constitute the twenty-fifth district, and elect two members.

The twenty-third, thirty-fifth and fifty-fifth wards shall constitute the twenty-sixth district, and elect two members.

The County of Adams shall elect one member.

The County of Allegheny shall elect twenty-eight members and shall be divided into sixteen districts as follows:

The first, second, third, sixth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh wards of the City of Pittsburgh shall constitute the first district, and elect two members.

The twelfth and thirteenth wards of the City of Pittsburgh shall constitute the second district, and elect one member.

The sixteenth, seventeenth, AND thirtieth ~~and thirty-first~~ wards of the City of Pittsburgh and the borough of Mount Oliver shall constitute the third district, and elect one member.

The sixth, seventh, eighth, ninth and twentieth precincts of the fourth ward, and the seventh and eleventh wards of the City of Pittsburgh shall constitute the fourth district, and elect one member.

The fourteenth ward of the City of Pittsburgh shall constitute the fifth district, and elect one member.

The eighteenth, nineteenth, twentieth, twenty-eighth, twenty-ninth and thirty-second wards of the City of Pittsburgh shall constitute the sixth district, and elect two members.

The first, second, third, fourth, fifth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth precincts of the fourth ward, and the fifth, eighth, ninth, tenth ~~and~~ fifteenth AND THIRTY-FIRST wards of the City of Pittsburgh shall constitute the seventh district, and elect two members.

The boroughs of East McKeesport, Elizabeth, Liberty, Lincoln, White Oak and that portion of the borough of Trafford in Allegheny County and the townships of Elizabeth, Forward, North Versailles and South Versailles shall constitute the eighth district and elect one member.

The boroughs of Baldwin, Bethel, Brentwood, Jefferson, Pleasant Hills, West Elizabeth and Whitehall, and the townships of Snowden and Upper St. Clair shall constitute the ninth district and elect two members.

The boroughs of Coraopolis, McKees Rocks and the townships of Crescent, Kennedy, Moon, Neville, Robinson and Stowe shall constitute the tenth district and elect one member.

The Cities of Clairton and Duquesne and the boroughs of Braddock, Chalfant, Dravosburg, Homestead, Munhall, North Braddock, Rankin, West Homestead, West Mifflin and Whitaker shall constitute the eleventh district and elect two members.

The City of McKeesport and the boroughs of Glassport, Port Vue and Versailles shall constitute the twelfth district and elect one member.

The boroughs of Cheswick, Monroeville, Pitcairn, Plum, Springdale, Wall and Wilmerding and the townships of East Deer, Harmar and Springdale shall constitute the thirteenth district, and elect one member.

The boroughs of Aspinwall, Avalon, Bellevue, Ben Avon, Ben Avon Heights, Blawnox, Brackenridge, Bradford Woods, Edgeworth, Emsworth, Etna, Fox Chapel, Glenfield, Haysville, Leetsdale, Millvale, Osborne, Sewickley, Sewickley Heights, Sewickley Hills, Sharpsburg, Tarentum and West View and the townships of Aleppo, Fawn, Franklin, Frazer, Hampton, Harrison, Indiana, Kilbuck, Leet, Marshall, McCandless, Ohio, O'Hara, Pine, Reserve, Richland, Ross, Sewickley, Shaler and West Deer shall constitute the fourteenth district, and elect four members.

The boroughs of Bridgeville, Carnegie, Castle Shannon, Crafton, Dormont, Green Tree, Heidelberg, Ingram, Oakdale, Rosslyn Farms, Thornburg, and that portion of the borough of McDonald in Allegheny County and the townships of Baldwin, Collier, Findlay, Mount Lebanon, North Fayette, Scott, and South Fayette shall constitute the fifteenth district and elect three members.

The boroughs of Braddock Hills, Churchill, East Pittsburgh, Edgewood, Forest Hills, Oakmont, Swissvale, Turtle Creek, Verona and Wilkinsburg and the townships of Penn Hills, and Wilkins shall constitute the sixteenth district and elect three members.

The County of Armstrong shall elect one member.

The County of Beaver shall elect four members and shall be divided into two districts as follows:

The boroughs of Aliquippa, Ambridge, Baden, Conway, East Rochester, Eastvale, Economy, Freedom, New

Brighton, Rochester and that portion of the borough of Ellwood City lying within the County of Beaver and the townships of Daugherty, Franklin, Harmony, Marion, New Sewickley, North Sewickley, Pulaski and Rochester shall constitute the first district and elect two members.

The residue of the County of Beaver not included in the first district shall constitute the second district and elect two members.

The County of Bedford shall elect one member.

The County of Berks shall elect five members and shall be divided into five districts as follows:

The seventh, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth, and nineteenth wards of the City of Reading shall constitute the first district and elect one member.

The first, second, third, fourth, fifth, sixth, eighth, ninth, tenth, sixteenth and eighteenth wards of the City of Reading shall constitute the fifth district and elect one member.

The boroughs of Birdsboro, Mohnton, Mount Penn, Shillington, West Reading, Wyomissing, Kenhorst, St. Lawrence and that portion of the borough of Adamstown lying within the County of Berks and the townships of Amity, Brecknock, Caernarvon, Cumru, Exeter, Lower Alsace, Robeson and Union shall constitute the second district and elect one member.

The boroughs of Bernville, Centerport, Hamburg, Lenhartsville, Robesonia, Shoemakersville, Sinking Spring, Strausstown, Wernersville, West Lawn, Leesport, Womelsdorf and Wyomissing Hills and the townships of Albany,

Bern, Bethel, Centre, Greenwich, Heidelberg, Jefferson, Lower Heidelberg, Marion, North Heidelberg, Ontelaunee, Penn, Perry, South Heidelberg, Spring, Tilden, Tulpehocken, Upper Bern, Upper Tulpehocken and Windsor shall constitute the third district and elect one member.

The residue of the County of Berks not included in the first, second, third or fifth districts shall constitute the fourth district and elect one member.

The County of Blair shall elect two members and shall be divided into two districts as follows:

The City of Altoona shall constitute the first district and elect one member.

The residue of the County of Blair, not included in the first district shall constitute the second district and elect one member.

The County of Bradford shall elect one member.

The County of Bucks shall elect five members and shall be divided into two districts as follows:

The boroughs of Chalfont, Doylestown, Dublin, Hulmeville, Ivyland, Langhorne, Langhorne Manor, Morrisville, New Britain, New Hope, Newtown, Penndel, Perkasie, Quakertown, Richlandtown, Riegelsville, Sellersville, Silverdale, Trumbauersville, Tullytown, Yardley and that portion of the borough of Telford lying within Bucks County and the townships of Bedminster, Bensalem, Bridgeton, Buckingham, Doylestown, Durham, East Rockhill, Falls, Haycock, Hilltown, Lower Makefield, Lower Southampton, Middletown, Milford, New Britain, Newtown, Nockamixon, Northampton, Plumstead, Richland, Solebury, Springfield, Tinicum, Upper Makefield, Upper

Southampton, Warminster, Warrington, Warwick, West Rockhill and Wrightstown shall constitute the first district and elect four members.

The residue of the County of Bucks, not included in the first district, shall constitute the second district and elect one member.

The County of Butler shall elect two members and shall be divided into two districts as follows:

The City of Butler, the boroughs of Chicora, East Butler, Prospect, Portersville, West Liberty, Karns City, Fairview, West Sunbury, Petrolia, Bruin, Harrisville, Eau Claire, Cherry Valley, Slippery Rock, ~~and~~ the townships of Allegheny, Venango, Marion, Mercer, Slippery Rock, Cherry, Washington, Parker, Fairview, Concord, Clay, Brady, Worth, Muddycreek, Franklin, Center, Oakland, Donegal and Summit AND THE THIRD WARD OF THE TOWNSHIP OF BUTLER shall constitute the first district and elect one member.

The residue of the County of Butler, not included in the first district shall constitute the second district and elect one member.

The County of Cambria shall elect four members and shall be divided into three districts, as follows:

The City of Johnstown and the borough of Dale shall constitute the first district, and elect one member.

The boroughs of Brownstown, Cassendra, Daisytown, East Conemaugh, Ebensburg, Ehrenfeld, Ferndale, Franklin, Geistown, Lorian; Portage, Scalp Level, South Fork, Southmont, Summerhill, Westmont and Wilmore and the townships of Adams, Cambria, Conemaugh, Croyle, East

Taylor, Jackson, Lower Yoder, Middle Taylor, Portage, Richland, Stonycreek, Summerhill, Upper Yoder and West Taylor shall constitute the second district and elect two members.

The residue of the County of Cambria, not included in the first and second districts shall constitute the third district, and elect one member.

The County of Cameron shall elect one member.

The County of Carbon shall elect one member.

The County of Centre shall elect one member.

The County of Chester shall elect four members and shall be divided into two districts as follows:

The City of Coatesville, the boroughs of Atglen, Avondale, Elverson, Honey Brook, Kennett Square, Modena, Oxford, Parkesburg, South Coatesville, West Chester and West Grove and the townships of Birmingham, Caln, Elk, East Fallowfield, East Nottingham, East Bradford, East Brandywine, East Marlborough, Franklin, Highland, Honeybrook, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Newlin, Penn, Pennsbury, Pocopson, Sadsbury, Upper Oxford Valley, West Bradford, West Brandywine, West Caln, West Fallowfield, West Marlborough, West Nottingham, West Nantmeal, West Sadsbury and Wallace shall constitute the first district and elect two members.

The residue of the County of Chester, not included in the first district, shall constitute the second district and elect two members.

The County of Clarion shall elect one member.

The County of Clearfield shall elect one member.

The County of Clinton shall elect one member.

The County of Columbia shall elect one member.

The County of Crawford shall elect one member.

The County of Cumberland shall elect two members and shall be divided into two districts as follows:

The boroughs of Camp Hill, Lemoyne, Mechanicsburg, Newburg, Newville, Shiremanstown, West Fairview and Wormleysburg and the townships of East Pennsboro, Hampden, Hopewell, Lower Frankford, Lower Mifflin, Middlesex, North Middleton, North Newton, Silver Spring, Upper Frankford, Upper Mifflin and West Pennsboro shall constitute the first district and elect one member.

The residue of the County of Cumberland not included in the first district shall constitute the second district and elect one member.

The County of Dauphin shall elect four members and shall be divided into two districts as follows:

The City of Harrisburg shall constitute the first district and elect one member.

The residue of the County of Dauphin not included in the first district shall constitute the second district and elect three members.

The County of Delaware shall elect nine members and shall be divided into three districts as follows:

The City of Chester shall constitute the first district and elect one member.

The boroughs of Aldan, Clifton Heights, Colwyn, Darby, East Lansdowne, Lansdowne, Millbourne and Yeadon and the townships of Hayerford, Marple, Newtown, Radnor and Upper Darby shall constitute the second district and elect four members.

The residue of the County of Delaware not included in the first and second districts shall constitute the third district and elect four members.

The County of Elk shall elect one member.

The County of Erie shall elect four members and shall be divided into three districts as follows:

The third, fourth and sixth wards and the eleventh and twelfth precincts of the fifth ward of the City of Erie shall constitute the first district and elect one member.

The first and second wards and all of the fifth ward, except the eleventh and twelfth precincts of the City of Erie shall constitute the second district and elect one member.

The residue of the County of Erie not included in the first and second districts shall constitute the third district and elect two members.

The County of Fayette shall elect three members and shall be divided into two districts as follows:

The boroughs of Fairchance, Markleysburg, Masontown, Ohiopyle, Point Marion and Smithfield and the townships of Bullskin, Georges, German, Henry Clay, Luzerne, Menallen, Nicholson, Saltlick, Stewart, Springfield, Springhill and Wharton shall constitute the first district and elect one member.

The residue of the County of Fayette not included in the first district shall constitute the second district and elect two members.

The County of Forest shall elect one member.

The County of Franklin shall elect two members and shall be divided into two districts as follows:

The boroughs of Chambersburg, Orrstown and that portion of the borough of Shippensburg lying within the County of Franklin and the townships of Fannett, Greene, Guilford, Hamilton, Letterkenny, Lurgan, Metal and Southampton shall constitute the first district and elect one member.

The residue of the County of Franklin not included in the first district shall constitute the second district and elect one member.

The County of Fulton shall elect one member.

The County of Greene shall elect one member.

The County of Huntingdon shall elect one member.

The County of Indiana shall elect one member.

The County of Jefferson shall elect one member.

The County of Juniata shall elect one member.

The County of Lackawanna shall elect four members and shall be divided into four districts as follows:

The sixth, eighth, ninth, tenth, eleventh, twelfth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-second and twenty-fourth wards of the City of Scranton shall constitute the first district and elect one member.

The first, second, third, fourth, fifth, seventh, thirteenth, fourteenth, fifteenth, twenty-first and twenty-third wards of the City of Scranton shall constitute the second district and elect one member.

The City of Carbondale, the boroughs of Archbald, Dickson City, Dunmore, Jermyn, Mayfield, Olyphant, Throop and Winton and the township of Carbondale shall constitute the third district and elect one member.

The residue of the County of Lackawanna not included in the first, second and third districts shall constitute the fourth district and elect one member.

The County of Lancaster shall elect five members and shall be divided into two districts as follows:

The City of Lancaster shall constitute the first district and elect one member.

The residue of the County of Lancaster not included in the first district shall constitute the second district and elect four members.

The County of Lawrence shall elect two members and shall be divided into two districts as follows;

The City of New Castle and the townships of Taylor and Union shall constitute the first district and elect one member.

The residue of the County of Lawrence not included in the first district shall constitute the second district and elect one member.

The County of Lebanon shall elect two members.

The County of Lehigh shall elect four members and shall be divided into two districts as follows:

The City of Allentown shall constitute the first district and elect two members.

The residue of the County of Lehigh not included in the first district shall constitute the second district and elect two members.

The County of Luzerne shall elect six members and shall be divided into six districts as follows:

The City of Hazleton, the boroughs of Freeland, Jeddo, and West Hazleton and the townships of Black Creek, Foster and Hazle shall constitute the first district and elect one member.

The boroughs of Ashley, Conyngham, Laurel Run, Nescopeck, Nuangola, Sugar Notch, Warrior Run and White Haven and the townships of Bear Creek, Bucks, Butler, Conyngham, Dennison, Dorrance, Fairview, Hanover, Hollenback, Nescopeck, Newport, Rice, Salem, Slocum, Sugarloaf, Wilkes-Barre, and Wright shall constitute the second district and elect one member.

The City of Pittston, the boroughs of Avoca, Dupont, Duryea, Hughestown, Laflin, Swoyersville, Wyoming and Yatesville and the townships of Jenkins, Pittston, and Plains shall constitute the third district and elect one member.

The City of Nanticoke, the boroughs of Courtdale, Dallas, Edwardsville, Larksville, New Columbus, Plymouth and Shickshinny and the townships of Dallas, Fairmount, Hunlock, Huntington, Lake, Lehman, Plymouth, Ross and Union shall constitute the fourth district and elect one member.

The boroughs of Exeter, Forty Fort, Kingston, Luzerne, Pringle, West Pittston and West Wyoming and the townships of Exeter, Franklin, Jackson and Kingston shall constitute the fifth district and elect one member.

The City of Wilkes-Barre shall constitute the sixth district and elect one member.

The County of Lycoming shall elect two members and shall be divided into two districts as follows:

The City of Williamsport and the township of Loyalsock shall constitute the first district and elect one member.

The residue of the County of Lycoming not included in the first district shall constitute the second district and elect one member.

The County of McKean shall elect one member.

The County of Mercer shall elect two members and shall be divided into two districts as follows:

The City of Sharon, the boroughs of Greenville, Jamestown, New Lebanon, Sandy Lake, Sharpsville and Sheakleyville, and the townships of Deer Creek, French Creek, Greene, Hempfield, Mill Creek, New Vernon, Otter Creek, Perry Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, West Salem and that northwestern portion of the township of Hickory which is separated from the remainder thereof by the borough of Sharpsville and the City of Sharon shall constitute the first district and elect one member.

The residue of the County of Mercer not included in the first district shall constitute the second district and elect one member.

The County of Mifflin shall elect one member.

The County of Monroe shall elect one member.

The County of Montgomery shall elect nine members and shall be divided into four districts as follows:

The boroughs of Bridgeport, Conshohocken, Narberth and West Conshohocken and the townships of Lower Merion and Upper Merion shall constitute the first district and elect two members.

The boroughs of Ambler and Norristown and the townships of East Norriton, Lower Gwynedd, Plymouth, Springfield, Upper Dublin, West Norriton, Whitemarsh and Whitpain shall constitute the second district and elect two members.

The boroughs of Bryn Athyn, Hatboro, Jenkintown and Rockledge and the townships of Abington, Cheltenham, Lower Moreland and Upper Moreland shall constitute the third district and elect two members.

The residue of the County of Montgomery not included in the first, second and third districts shall constitute the fourth district and elect three members.

The County of Montour shall elect one member.

The County of Northampton shall elect four members and shall be divided into three districts as follows:

That portion of the City of Bethlehem in the County of Northampton shall constitute the first district and elect one member.

The boroughs of Bath, Chapman, Freemansburg, Hellertown, Northampton, North Catasauqua, Walnutport and the townships of Allen, Bethlehem, Bushkill, East

Allen, Hanover, Lehigh, Lower Nazareth, Lower Saucon and Moore shall constitute the second district and elect one member.

The residue of the County of Northampton not included in the first and second districts shall constitute the third district and elect two members.

The County of Northumberland shall elect two members and shall be divided into two districts as follows:

The City of Shamokin, the boroughs of Kulpmont, Marion Heights and Mount Carmel and the townships of Coal, East Cameron, Mount Carmel, West Cameron and Zerbe shall constitute the first district and elect one member.

The residue of the County of Northumberland not included in the first district shall constitute the second district and elect one member.

The County of Perry shall elect one member.

The County of Pike shall elect one member.

The County of Potter shall elect one member.

The County of Schuylkill shall elect three members and shall be divided into two districts as follows:

The City of Pottsville; the boroughs of Cressona, Deer Lake, Landingville, Mechanicsville, Middleport, Minersville, Mount Carbon, New Philadelphia, New Ringgold, Orwigsburg, Palo Alto, Port Carbon, Port Clinton, St. Clair and Schuylkill Haven and the townships of Blythe, East Brunswick, East Norwegian, North Manheim, Norwegian, Schuylkill, Walker and West Brunswick shall constitute the first district and elect one member.

The residue of the county of Schuylkill not included in the first district shall constitute the second district and elect two members.

The County of Snyder shall elect one member.

The County of Somerset shall elect one member.

The County of Sullivan shall elect one member.

The County of Susquehanna shall elect one member.

The County of Tioga shall elect one member.

The County of Union shall elect one member.

The County of Venango shall elect one member.

The County of Warren shall elect one member.

The County of Washington shall elect four members and shall be divided into two districts as follows:

The City of Washington, the boroughs of Burgettstown, Canonsburg, Claysville, East Washington, Houston, Midway, West Alexander, West Middletown and that portion of the borough of McDonald in the County of Washington and the townships of Blaine, Buffalo, Canton, Cecil, Chartiers, Cross Creek, Donegal, East Finley, Hanover, Hopewell, Independence, Jefferson, Morris, Mount Pleasant, North Franklin, Robinson, Smith, South Franklin, South Strabane and West Finley shall constitute the first district and elect two members.

The residue of the County of Washington not included in the first district shall constitute the second district and elect two members.

The County of Wayne shall elect one member.

The County of Westmoreland shall elect six members and shall be divided into six districts as follows:

The Cities of Arnold, Lower Burrell and New Kensington, the boroughs of East Vandergrift, Hyde Park, Vandergrift and West Leechburg and the townships of Allegheny and Upper Burrell shall constitute the first district and elect one member.

The boroughs of Avonmore, Derry, Export Latrobe, New Alexandria, New Salem and Oklahoma and the townships of Bell, Derry, Franklin, Loyalhanna, Salem and Washington shall constitute the second district and elect one member.

The City of Jeannette, the boroughs of Irwin, Manor, North Irwin, Penn and that portion of the borough of Trafford in the County of Westmoreland and the townships of North Huntingdon and Penn shall constitute the third district and elect one member.

The City of Greensburg, the boroughs of Adamsburg, Arona, Hunker, Madison, South Greensburg, Southwest Greensburg and Youngwood and the township of Hempfield shall constitute the fourth district and elect one member.

The City of Monessen, the boroughs of North Belle Vernon, Smithton, Suterville and West Newton and the townships of Sewickley, South Huntingdon and Rostraver shall constitute the fifth district and elect one member.

The residue of the County of Westmoreland not included in the first, second, third, fourth and fifth districts shall constitute the sixth district and elect one member.

The County of Wyoming shall elect one member.

The County of York shall elect four members and shall be divided into four districts as follows:

The City of York shall constitute the first district and elect one member.

The boroughs of Dillsburg, Dover, Franklintown, Goldsboro, Hallam, Lewisberry, Manchester, Mount Wolf, North York, Wellsville, Wrightsville and York Haven and the townships of Carroll, Conewago, Dover, East Manchester, Fairview, Franklin, Hellam, Manchester, Monaghan, Newberry, Springettsbury, Warrington and Washington shall constitute the second district and elect one member.

The boroughs of Cross Roads, Dallastown, Delta, East Prospect, Fawn Grove, Felton, Jacobus, Loganville, Red Lion, Seven Valleys, Stewartstown, Windsor, Winterstown, Yorkana and Yoe and the townships of Chanceford, East Hopewell, Fawn, Hopewell, Lower Chanceford, Lower Windsor, North Hopewell, Peach Bottom, Springfield, Spring Garden, Windsor and York shall constitute the third district and elect one member.

The residue of the County of York not included in the first, second and third districts shall constitute the fourth district and elect one member.

Section 2. The foregoing apportionment is based on the United States decennial census of 1960. Any township, borough, city or ward created since such census, and not specifically provided for by this act, shall form a part of the district to which the territory comprised within such township, borough, city or ward is allotted by the provisions of this act, according to the political division existing at the time of such census; and any township, borough, city

or ward, or any portion thereof, annexed to any other township, borough, city or ward since such census, shall form a part of the district to which the territory comprised within such township, borough, city or ward, or portion thereof, is allotted by the provisions of this act, according to the political division existing at the time of such census.

Section 3. The first election under this act shall be held at the general election in the year 1964.

The Members of the House of Representatives now in office shall continue in such office until the expiration of their respective terms.

Section 4. The act, approved July 29, 1953 (P. L. 956), entitled "An act to fix the number of Representatives in the General Assembly of the State; and to apportion the State into representative districts, as provided by the Constitution," is hereby repealed.

All other acts and parts of acts inconsistent herewith are hereby repealed.

Section 5. The provisions of this act applicable to each county are severable from the provisions thereof applicable to all other counties; if the provisions hereof applicable to one or more counties is held invalid, the decisions of the court shall affect only the provisions relating to such county or counties and shall not impair the validity of the remaining provisions of this act; if the provisions of this act relating to a county are held invalid, the number of representatives provided for thereby for the county shall nevertheless not be affected; if the number is the same as heretofore, they shall be elected from the same districts as heretofore; if the number is not the same as heretofore, they shall all be elected by the electors of the

county at large in so far as such manner of election is not inconsistent with the Constitution.

We certify that this bill, House Bill No. 1, Printer's No. 5, has passed the House of Representatives and the Senate.

R. W. Stemmel
Chief Clerk, House of Representatives
W. Stuart Helm
Speaker, House of Representatives
Raymond P. Shafer
President, Senate

Approved the 9th day of January A.D. 1964.
William W. Scranton
Governor

I do hereby certify that the foregoing is a true and correct copy of Act of the General Assembly No. 1.

George I. Bloom
Secretary of the Commonwealth

(Seal)

IV.

PENNSYLVANIA SENATE APPORTIONMENT ACT OF JANUARY 9, 1964, NO. 2

ACT NO. 2

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL NO. 1

Special Session of 1963

Introduced by Mr. Keller, November 12, 1963

As Amended on Third Reading, November 19, 1963

AN ACT

Fixing the number of Senators in the General Assembly of the Commonwealth; apportioning the State into senatorial districts as provided by the Constitution; providing for the election of and the terms of office of the present and future elected Senators and repealing inconsistent laws.

THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA HEREBY ENACTS AS FOLLOWS:

Section 1. Until the next United States decennial census is taken and an apportionment made thereon, the Senate shall consist of fifty members and the State is hereby apportioned into fifty senatorial districts, each of which shall be known by the number herein attached thereto and shall be entitled to elect one Senator as follows to wit:

First District.—The first, second, third, fourth, twenty-sixth, thirtieth, thirty-sixth, thirty-ninth and forty-eighth wards in the City of Philadelphia.

Second District.—The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-ninth, thirty-first and forty-seventh wards in the City of Philadelphia.

Third District.—The thirty-third, thirty-seventh, thirty-eighth, forty-third and forty-ninth wards in the City of Philadelphia.

Fourth District.—The twenty-seventh, fortieth, forty-fourth, forty-sixth, fifty-first and sixtieth wards in the City of Philadelphia.

Fifth District.—The thirty-fifth, forty-second, fifty-third, fifty-sixth, fifty-seventh and fifty-eighth wards in the City of Philadelphia.

Sixth District.—The twenty-first, twenty-second, fiftieth and fifty-ninth wards in the City of Philadelphia.

Seventh District.—The twenty-fourth, twenty-eighth, thirty-second, thirty-fourth and fifty-second wards in the City of Philadelphia.

Eighth District.—The eighteenth, twenty-third, twenty-fifth, forty-first, forty-fifth, fifty-fourth, and fifty-fifth wards in the City of Philadelphia.

Ninth District.—The County of Delaware until November 30, 1966. Thereafter the ninth district shall consist of the City of Chester; the boroughs of Brookhaven, Chester Heights, Eddystone, Marcus Hook, Media, Morton, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Swarthmore, Trainer and Upland; and the townships of Aston, Bethel, Birmingham, Chester, Concord, Edgemont, Lower Chichester, Middletown, Nether Providence, Newtown, Ridley, Springfield, Thornbury, Tinicum, Upper Chichester and Upper Providence in the County of Delaware.

Tenth District.—The County of Bucks.

Eleventh District.—The County of Berks.

Twelfth District.—The County of Montgomery until November 30, 1964. Thereafter the twelfth district shall consist of the boroughs of Ambler, Bryn Athyn, Hatboro, Jenkintown, Norristown and Rockledge and the townships of Abington, Cheltenham, East Norriton, ~~Horsham~~, Lower Gwynedd, Lower Moreland, Plymouth, Springfield, Upper Dublin, Upper Moreland, West Norriton, Whitemarsh and Whitpain in the County of Montgomery.

Thirteenth District.—The County of Lancaster.

Fourteenth District.—The Counties of Carbon, Monroe, Pike and Wayne.

Fifteenth District.—The County of Dauphin.

Sixteenth District.—The County of Lehigh.

Seventeenth District.—After November 30, 1964, the seventeenth district shall consist of the residue of the County of Montgomery not included in the twelfth district.

Eighteenth District.—The County of Northampton.

Nineteenth District.—The County of Chester.

Twentieth District.—The County of Luzerne.

Twenty-first District.—The Counties of Butler and Lawrence.

Twenty-second District.—The County of Lackawanna.

Twenty-third District.—The Counties of Wyoming, Susquehanna, Bradford, Tioga and Sullivan.

Twenty-fourth District.—The Counties of Lycoming, Montour and Columbia.

Twenty-fifth District.—The Counties of Clinton, Cameron, Potter, McKean, and Warren.

Twenty-sixth District.—The Counties of Clarion, Forest and Elk until November 30, 1966. Thereafter the twenty-sixth district shall be composed of the residue of the County of Delaware not included in the ninth district.

Twenty-seventh District.—The Counties of Union, Snyder and Northumberland.

Twenty-eighth District.—The County of York.

Twenty-ninth District.—The Counties of Schuylkill and Lebanon.

Thirtieth District.—The Counties of Blair and Huntingdon.

Thirty-first District.—The Counties of Mifflin, Juniata, Perry and Cumberland.

Thirty-second District.—The Counties of Greene and Fayette.

Thirty-third District.—The Counties of Franklin and Adams.

Thirty-fourth District.—The Counties of Clearfield and Centre.

Thirty-fifth District.—The County of Cambria.

Thirty-sixth District.—The Counties of Fulton, Bedford and Somerset.

Thirty-seventh District.—The Cities of Clairton, Duquesne and McKeesport, the Boroughs of Braddock, Dravosburg, East Pittsburgh, Elizabeth, Glassport, Homestead, Jefferson, Liberty, Lincoln, Munhall, North Braddock, Port Vue, Rankin, Versailles, West Elizabeth, West Homestead, West Mifflin and Whitaker and the townships of Forward and Snowden in the County of Allegheny.

THIRTY-SEVENTH DISTRICT.—THE BOROUGHS OF BALDWIN, BETHEL PARK, BRENTWOOD, BRIDGEVILLE, CARNEGIE, CASTLE SHANNON, CRAFTON, DORMONT, GREEN TREE, HEIDELBERG, INGRAM, PLEASANT HILLS, ROSSLYN FARMS, THORNBURG AND WHITEHALL, AND THE TOWNSHIPS OF BALDWIN, COLLIER, MOUNT LEBANON, SCOTT, SOUTH FAYETTE AND UPPER ST. CLAIR IN THE COUNTY OF ALLEGHENY.

Thirty-eight District.—The first, second, third, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth,

twenty-third, twenty-fourth and twenty-sixth wards in the City of Pittsburgh; the borough of Millvale and the township of Reserve in the County of Allegheny.

Thirty-ninth District.—The County of Westmoreland.

Fortieth District.—The boroughs of Aspinwall, Avalon, Bell Acres, Bellevue, Ben Avon, Ben Avon Heights, Blawnox, Brackenridge, Bradford Woods, Cheswick, Edgeworth, Emsworth, Etna, Fox Chapel, Franklin Park, Glenfield, Haysville, Leetsdale, Osborne, Sewickley, Sewickley Heights, Sewickley Hills, Sharpsburg, Springdale, Tarentum and West View; and the townships of Aleppo, East Deer, Fawn, Frazer, Hampton, Harmar, Harrison, Indiana, Kilbuck, Leet, Marshall, McCandless, O'Hara, Ohio, Pine, Richland, Ross, Shaler, Springdale and West Deer in the County of Allegheny.

Forty-first District.—The Counties of Jefferson, Indiana and Armstrong.

Forty-second District.—The nineteenth, twentieth, twenty-first, twenty-second, twenty-fifth, twenty-seventh and twenty-eighth wards in the City of Pittsburgh, the borough of Coraopolis, that part of the borough of McDonald located in Allegheny County, the boroughs of McKees Rocks and Oakdale and the townships of Crescent, Findlay, Kennedy, Moon, Neville, North Fayette, Robinson and Stowe, in the County of Allegheny.

Forty-third District.—The fourth, fifth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twenty-ninth, thirtieth, thirty-first and thirty-second wards in the City of Pittsburgh and the borough of Mt. Oliver in the County of Allegheny.

Forty-fourth District.—The boroughs of Braddock Hills, Chalfant, Churchill, East McKeesport, Edgewood, Forest Hills, Monroeville, Oakmont, Pitcairn, Plum, Swissvale, that part of the borough of Trafford located in Allegheny County, the boroughs of Turtle Creek, Verona, Wall, White Oak, Wilkinsburg, and Wilmerding and the townships of Elizabeth, North Versailles, Penn Hills, South Versailles and Wilkins in the County of Allegheny.

Forty-fifth District.—The boroughs of Baldwin, Bethel Park, Brentwood, Bridgeville, Carnegie, Castle Shannon, Crafton, Dormont, Green Tree, Heidelberg, Ingram, Pleasant Hills, Rosslyn Farms, Thornburg and Whitehall, and the townships of Baldwin, Collier, Mount Lebanon, Scott, South Fayette and Upper St. Clair in the County of Allegheny.

FORTY-FIFTH DISTRICT.—THE CITIES OF CLAIRTON, DUQUESNE AND MCKEESPORT, THE BOROUGHS OF BRADDOCK, DRAVOSBURG, EAST PITTSBURGH, ELIZABETH, GLASSPORT, HOMESTEAD, JEFFERSON, LIBERTY, LINCOLN, MUNHALL, NORTH BRADDOCK, PORT VUE, RANKIN, VERSAILLES, WEST ELIZABETH, WEST HOMESTEAD, WEST MIFFLIN AND WHITAKER AND THE TOWNSHIPS OF FORWARD AND SNOWDEN IN THE COUNTY OF ALLEGHENY.

Forty-sixth District.—The County of Washington.

Forty-seventh District.—The County of Beaver.

Forty-eighth District.—The County of Venango until November 30, 1966. Thereafter the forty-eighth district shall be the Counties of Venango, Clarion, Forest and Elk.

Forty-ninth District.—The County of Erie.

Fiftieth District.—The Counties of Crawford and Mercer.

Section 2. The districts as above enumerated shall be based on the decennial census of the United States for the year 1960 and shall take the lines and boundaries and include all the territory within the same as said lines and districts respectfully exist at the effective date of this act.

Section 3. The nomination and election of a State Senator shall be made, held and conducted and the return of votes cast at primary and general elections for the nomination and election of such members shall be made, computed, canvassed and certified as now or hereafter may be provided by law.

Section 4. At the general election in the year 1964 and quadriennially thereafter, Senators shall be chosen to serve for four years in the odd-numbered districts. At the general election in the year 1966 and quadriennially thereafter, Senators shall be chosen to serve for four years in the even-numbered districts.

The members of the Senate now in office shall continue in such office until the expiration of their respective terms.

Section 5. The act of May 10, 1921 (P. L. 449), entitled "An act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators," is repealed in so far as inconsistent.

Section 6. This act shall take effect with respect to odd-numbered districts on November 30, 1964 and with respect to even-numbered districts on November 30, 1966 except as otherwise provided herein. Elections for Senators to represent odd-numbered districts shall be held at the general election in 1964. Elections for Senators to represent even-numbered districts shall be held at the general election in 1966.

We certify that this bill, Senate Bill No. 1, Printer's No. 3, has passed the Senate and House of Representatives.

A. H. Letzler
Chief Clerk, Senate
Raymond P. Shafer
President, Senate
W. Stuart Helm
Speaker, House of Representatives

Approved the 9th day of January A.D. 1964.

William W. Scranton
Governor

I do hereby certify that the foregoing is a true and correct copy of Act of the General Assembly No. 2.

George I. Bloom
Secretary of the Commonwealth

(Seal)

APPENDIX C

I.

CHART ENTITLED "THE NEW REAPPORTIONMENT IN PENNSYLVANIA POPULATION AND REPRESENTATION BY COUNTY"

THE NEW REAPPORTIONMENT IN PENNSYLVANIA POPULATION AND REPRESENTATION BY COUNTY

County	*Percent of Population*	*Percent of House Seats*	*Percent of Senate Seats*
Adams	.458	.478	.740
Allegheny	14.380	13.397	14.000
Armstrong	.702	.478	1,778
Beaver	1.828	1.913	2.000
Bedford	.375	.478	.650
Berks	2.433	2,392	2.000
Blair	1.212	1.435	1.552
Bradford	.485	.478	.742
Bucks	2.726	2.392	2.000
Butler	1.010	.956	1.008
Cambria	1.785	1.913	2.000
Cameron	.067	.478	.092
Carbon	.467	.478	.816
Centre	.694	.478	.980
Chester	1.861	1.913	2.000
Clarion	.330	.478	.518
Clearfield	.720	.478	1.020
Clinton	.332	.478	.466

County	*Percent of Population*	*Percent of House Seats*	*Percent of Senate Seats*
Columbia	.473	.478	.596
Crawford	.683	.478	.758
Cumberland	1.102	.956	1.180
Dauphin	1.945	1.913	2.000
Delaware	4.887	4.306	4.000
Elk	.330	.478	.516
Erie	2.315	1.913	2.000
Fayette	1.496	1.435	1.624
Forest	.040	.473	.062
Franklin	.779	.956	1.260
Fulton	.093	.478	.164
Greene	.348	.478	.376
Huntingdon	.349	.478	.448
Indiana	.656	.478	.746
Jefferson	.415	.478	.466
Juniata	.140	.478	.150
Lackawanna	2.072	1.913	2.000
Lancaster	2.458	2.392	2.000
Lawrence	.998	.956	.992
Lebanon	.803	.956	.689
Lehigh	2.010	1.913	2.000
Luzerne	3.065	2.870	2.000
Lycoming	.966	.956	1.219
McKean	.482	.478	.675
Mercer	1.127	.956	1.242
Mifflin	.392	.478	.420
Monroe	.350	.478	.610
Montgomery	4.525	4.306	4.000
Montour	.148	.478	.186
Northampton	1.779	1.913	2.000
Northumberland	.920	.956	1.338

County	*Percent of Population*	*Percent of House Seats*	*Percent of Senate Seats**
Perry	.235	.478	.250
Philadelphia	17.691	16.746	16.000
Pike	.081	.478	.140
Potter	.146	.478	.204
Schuylkill	1.529	1.435	1.312
Snyder	.229	.478	.332
Somerset	.684	.478	1.186
Sullivan	.055	.478	.084
Susquehanna	.293	.478	.449
Tioga	.323	.478	.496
Union	.226	.478	.330
Venango	.567	.478	.904
Warren	.403	.478	.564
Washington	1.918	1.913	2.000
Wayne	.248	.478	.434
Westmoreland	3.105	2.870	2.000
Wyoming	.149	.478	.226
York	2.106	1.913	2.000

* Where floterial districts exist as is frequently the case in the senate, the representation of each county has been calculated on the percent of the total population of the district residing in that county. For example, Adams County which shares its senator with Franklin County does not have one/half a senator—there being two counties in the district—but 37% of a senator, in proportion to its voting strength in the district. Thus the calculations for Adams County would be, first, that the 33rd senatorial district has 2% of the total senate seats and Adams County has 37% of that 2%, hence, Adams County has 0.74% of the total representation in the Senate.

II.

TABLE FROM PENNSYLVANIA STATISTICAL ABSTRACT, ENTITLED "AREA AND POPULATION OF COUNTIES, URBAN AND RURAL: 1960"

TABLE 4: AREA AND POPULATION OF COUNTIES, URBAN AND RURAL: 1960

County	Land Area in square miles 1960	1960 Population				
		Total		Urban		Rural
		Number	Per square mile	Number	Percent of population	
Total	45,037	11,319,366	251.5	8,102,051	71.6	3,217,315
Adams	526	51,906	98.7	13,555	26.1	38,351
Allegheny	730	1,628,587	2,230.9	1,517,080	93.2	111,507
Armstrong	656	79,524	121.2	18,472	23.2	61,052
Beaver	441	206,948	469.3	146,770	70.9	60,178
Bedford	1,016	42,451	41.8	3,696	8.7	38,755
Berks	864	275,414	318.8	177,095	64.3	98,319
Blair	531	137,270	258.5	93,787	68.3	43,483
Bradford	1,147	54,925	47.9	16,725	30.5	38,200
Bucks	617	308,567	500.1	232,268	75.3	76,299
Butler	794	114,639	144.4	33,562	29.3	81,077
Cambria	695	203,283	292.5	123,141	60.6	80,142
Cameron	399	7,586	19.0	3,397	44.8	4,189

County	Land Area in square miles 1960	1960 Population Total Number	Total Per square mile	Urban Number	Urban Percent of population	Rural
Carbon	405	52,889	130.6	33,854	64.0	19,035
Centre	1,115	78,580	70.5	32,369	41.2	46,211
Chester	760	210,608	277.1	92,337	43.8	118,271
Clarion	599	37,408	62.5	4,958	13.3	32,450
Clearfield	1,144	81,534	71.3	23,168	28.4	58,366
Clinton	902	37,619	41.7	15,064	40.0	22,555
Columbia	484	53,489	110.5	24,238	45.3	29,251
Crawford	1,016	77,956	76.7	25,027	32.1	52,929
Cumberland	555	124,816	224.9	73,727	59.1	51,089
Dauphin	520	220,255	423.6	169,374	76.9	50,881
Delaware	185	553,154	2,990.0	530,792	96.0	22,362
Elk	807	37,328	46.3	19,418	52.0	17,910
Erie	812	250,682	308.7	193,213	77.1	57,469
Fayette	794	169,340	213.3	50,962	30.1	118,378
Forest	416	4,485	10.8	—	—	4,485
Franklin	754	88,172	116.9	32,152	36.5	56,020
Fulton	435	10,597	24.4	—	—	10,597
Greene	577	39,424	68.3	5,188	13.2	34,236
Huntingdon	892	39,457	44.2	11,325	28.7	28,132
Indiana	825	75,366	91.4	17,935	23.8	57,431
Jefferson	652	46,792	71.8	19,146	40.9	27,646
Juniata	387	15,874	41.0	—	—	15,874

County	Land Area in square miles 1960	1960 Population Total Number	Total Per square mile	Urban Number	Urban Percent of population	Rural
Lackawanna	454	234,531	516.6	210,676	89.8	23,855
Lancaster	944	278,359	294.9	137,892	49.5	140,467
Lawrence	367	112,965	307.8	59,403	52.6	53,562
Lebanon	363	90,853	250.3	44,576	49.1	46,277
Lehigh	347	227,536	655.7	180,676	79.4	46,860
Luzerne	891	346,972	389.4	281,507	81.1	65,465
Lycoming	1,214	109,367	90.1	66,234	60.6	43,133
McKean	997	54,517	54.7	23,183	42.5	31,334
Mercer	681	127,519	187.3	68,595	53.8	58,924
Mifflin	431	44,348	102.9	15,395	34.7	28,953
Monroe	611	39,567	64.8	13,744	34.7	25,823
Montgomery	491	516,682	1,052.3	410,685	79.5	105,997
Montour	130	16,730	128.7	6,889	41.2	9,841
Northampton	374	201,412	538.5	138,341	68.7	63,071
Northumberland	454	104,138	229.4	64,600	62.0	39,538
Perry	550	26,582	48.3	2,580	9.7	24,002
Philadelphia	127	2,002,512	15,767.8	2,002,512	100.0	—
Pike	545	9,158	16.8	—	—	9,158
Potter	1,090	16,483	15.1	2,889	17.5	13,594
Schuylkill	783	173,027	221.0	93,579	54.1	79,448
Snyder	329	25,922	78.8	3,948	15.2	21,974
Somerset	1,084	77,450	71.4	16,242	21.0	61,208

County	Land Area in square miles 1960	1960 Population Total Number	Total Per square mile	Urban Number	Urban Percent of population	Rural
Sullivan	478	6,251	13.1	—	—	6,251
Susquehanna	836	33,137	39.6	5,242	15.8	27,895
Tioga	1,150	36,614	31.8	7,047	19.2	29,567
Union	318	25,646	80.6	5,523	21.5	20,123
Venango	675	65,295	96.7	34,020	52.1	31,275
Warren	910	45,582	50.1	14,505	31.8	31,077
Washington	857	217,271	253.5	89,399	41.1	127,872
Wayne	744	28,237	38.0	5,569	19.7	22,668
Westmoreland	1,023	352,629	344.7	213,935	60.7	138,694
Wyoming	396	16,813	42.5	—	—	16,813
York	911	238,336	261.6	128,870	54.1	109,466

Source: Compiled by the Bureau of Statistics, Department of Internal Affairs from data received from U. S. Department of Commerce, Bureau of the Census, *1960 Census of Population*, "Volume I, Characteristics of the Population, Part A, Number of Inhabitants, Pennsylvania".

III.

TABLE FROM PENNSYLVANIA STATISTICAL ABSTRACT, ENTITLED "VOTER REGISTRATION FOR COUNTIES IN PENNSYLVANIA, NOVEMBER 5, 1963"

TABLE 125: VOTER REGISTRATION FOR COUNTIES IN PENNSYLVANIA: NOVEMBER 5, 1963

County	*Number of election districts*	*Total number of registered voters*
Total	9,246	5,466,718
Adams	44	22,597
Allegheny	1,281	809,646
Armstrong	75	38,853
Beaver	122	93,391
Bedford	43	21,708
Berks	209	125,451
Blair	117	58,981
Bradford	72	24,530
Bucks	173	139,355
Butler	93	49,550
Cambria	190	96,832
Cameron	11	3,820
Carbon	61	27,668
Centre	70	30,074
Chester	157	93,432
Clarion	49	18,303
Clearfield	109	37,132
Clinton	41	16,426
Columbia	63	27,416
Crawford	66	32,400

County	*Number of election districts*	*Total number of registered voters*
Cumberland	76	56,566
Dauphin	149	106,090
Delaware	350	283,610
Elk	32	16,707
Erie	142	116,857
Fayette	123	78,221
Forest	13	2,622
Franklin	70	39,412
Fulton	12	5,042
Greene	51	19,586
Huntingdon	68	17,950
Indiana	77	36,283
Jefferson	74	24,350
Juniata	20	8,524
Lackawanna	246	151,393
Lancaster	160	117,973
Lawrence	101	51,859
Lebanon	55	38,537
Lehigh	125	102,152
Luzerne	412	191,848
Lycoming	100	51,420
McKean	53	23,088
Mercer	102	55,906
Mifflin	32	16,821
Monroe	36	19,191
Montgomery	271	254,318
Montour	14	7,272
Northampton	129	90,902
Northumberland	105	54,382
Perry	33	13,685
Philadelphia	1,640	981,332

County	*Number of election districts*	*Total number of registered voters*
Pike	14	6,648
Potter	34	8,407
Schuylkill	212	100,584
Snyder	25	11,321
Somerset	67	39,562
Sullivan	15	3,507
Susquehanna	57	17,549
Tioga	45	17,359
Union	23	10,952
Venango	77	27,143
Warren	49	19,632
Washington	189	103,353
Wayne	48	15,310
Westmoreland	289	170,725
Wyoming	29	9,665
York	156	103,537

Source: Pennsylvania Department of State, Bureau of Commissions and Elections.

IV.

ABLE FROM PENNSYLVANIA STATISTICAL ABSTRACT, ENTITLED "STATE UMMARY FOR MANUFACTURING INDUSTRIES IN PENNSYLVANIA, BY COUNTY: 1962"

TABLE 202: STATE SUMMARY FOR MANUFACTURING INDUSTRIES IN PENNSYLVANIA, BY COUNTY: 1962

(All money figures in thousands of dollars.)

County	Number of establishments	Capital expenditures	Number of employees	Wages and salaries	Value of production and related activities	Value added by manufacture
Total	17,820	$796,135	1,378,576	$7,222,696	$27,297,364	$13,235,778
dams	107	4,023	7,360	25,025	99,998	46,788
llegheny	1,609	112,089	147,264	963,183	3,832,241	1,589,122
rmstrong	77	3,138	5,470	31,549	136,815	88,466
eaver	194	43,498	43,548	279,011	1,055,678	478,048
edford	45	288	1,544	5,006	13,836	7,595
erks	641	24,311	51,972	238,962	842,890	423,702
lair	148	6,368	12,042	52,445	208,182	106,377
radford	68	1,830	4,791	23,157	82,915	52,952
ucks	518	25,834	34,307	199,573	861,727	465,134

County	Number of establishments	Capital expenditures	Number of employees	Wages and salaries	Value of production and related activities	Value added by manufacture
Butler	149	8,630	11,071	68,889	299,566	133,380
Cambria	177	24,672	18,510	103,973	323,360	157,759
Cameron	10	559	1,591	9,671	21,737	13,352
Carbon	112	2,699	9,134	30,028	101,295	51,753
Centre	79	1,670	4,486	20,495	73,922	42,125
Chester	273	17,021	26,619	146,080	656,790	333,920
Clarion	69	842	2,696	13,070	43,455	24,369
Clearfield	113	2,684	5,015	20,894	80,771	38,519
Clinton	54	4,289	5,490	26,819	106,197	51,402
Columbia	109	3,490	10,179	42,152	172,197	68,831
Crawford	136	3,287	9,114	44,799	155,847	77,869
Cumberland	162	5,165	10,389	44,072	225,936	103,468
Dauphin	250	8,847	21,620	101,272	497,658	231,412
Delaware	383	57,542	48,209	302,325	1,220,725	465,086
Elk	63	3,491	7,827	40,659	153,439	108,873
Erie	454	15,760	37,375	218,909	693,858	394,780
Fayette	164	2,086	7,470	30,701	125,275	61,430
Forest	10	152	566	2,327	10,222	5,891
Franklin	136	3,818	10,612	43,470	158,805	74,786
Fulton	21	201	465	1,322	2,784	2,198
Greene	31	165	779	2,249	9,834	3,961
Huntingdon	62	2,214	3,184	11,846	34,874	22,625

County	Number of establishments	Capital expenditures	Number of employees	Wages and salaries	Value of production and related activities	Value added by manufacture
Indiana	71	1,224	3,909	16,481	74,654	39,592
Jefferson	78	1,306	5,536	21,938	62,647	42,916
Juniata	46	157	1,225	3,280	12,228	5,189
Lackawanna (1)	509	6,806	32,856	119,640	356,741	186,598
Lancaster	638	18,122	45,830	225,822	909,757	491,991
Lawrence	144	7,374	11,934	69,268	232,389	117,689
Lebanon	196	6,707	14,058	58,644	216,673	102,394
Lehigh	470	20,422	38,905	187,608	675,392	307,894
Luzerne (1)	735	11,722	47,342	155,952	575,011	290,533
Lycoming	210	8,282	18,939	84,177	298,982	158,826
McKean	100	4,998	7,429	36,703	145,135	78,563
Mercer	155	25,829	19,204	128,313	451,579	198,271
Mifflin	58	4,134	6,142	30,963	97,570	52,415
Monroe	92	2,884	4,768	19,325	60,556	35,524
Montgomery	903	74,485	81,390	482,819	1,589,832	875,420
Montour	14	371	2,151	9,666	34,660	17,037
Northampton	423	17,332	43,947	216,114	692,608	391,724
Northumberland	178	5,811	14,957	58,681	280,597	132,375
Perry	39	167	804	2,172	7,108	3,353
Philadelphia	4,115	102,708	264,789	1,415,484	5,460,663	2,663,612
Pike	17	37	130	416	1,460	800
Potter	42	156	1,298	3,777	11,493	6,147

County	Number of establishments	Capital expenditures	Number of employees	Wages and salaries	Value of production and related activities	Value added by manufacture
Schuylkill	324	6,882	22,080	72,602	235,397	124,736
Snyder	61	873	2,244	7,375	20,717	10,399
Somerset	108	855	3,864	10,815	34,718	18,027
Sullivan	19	232	639	1,824	8,050	2,778
Susquehanna	45	421	2,225	8,679	26,061	13,129
Tioga	44	840	2,623	12,684	65,545	25,893
Union	36	437	1,657	5,759	20,450	12,127
Venango	98	3,390	6,556	35,922	165,310	59,845
Warren	83	3,851	5,156	27,904	99,248	48,964
Washington	196	15,694	16,381	100,165	422,366	161,772
Wayne	67	710	2,474	7,834	24,868	11,449
Westmoreland	406	25,924	39,338	240,691	836,019	418,915
Wyoming	37	162	1,026	2,421	12,023	3,776
York	639	24,166	44,104	197,144	776,232	399,434

Detail may not add to total because of rounding.

(1) A comprehensive coverage check was conducted in Lackawanna and Luzerne counties in 1962. Results show an increase of 7 establishments in Lackawanna county and 45 establishments in Luzerne county. Employment increased 696 in Lackawanna county and 1,923 in Luzerne County.

Source: Pennsylvania Department of Internal Affairs, Bureau of Statistics.

V.

TABLE FROM PENNSYLVANIA STATISTICAL ABSTRACT, FIFTH ANNUAL EDITION, 1962, ENTITLED "POPULATION OF MUNICIPALITIES IN PENNSYLVANIA WITH MORE THAN 16,000 POPULATION IN 1960, BY TYPE OF MUNICIPALITY"

TABLE 3: POPULATION OF MUNICIPALITIES WITH MORE THAN 16,000 POPULATION IN 1960, BY TYPE OF MUNICIPALITY

Municipality		*1960*
Cities	*County*	
Philadelphia	Phila.	2,002,512
Pittsburgh	Allegheny	604,332
Erie	Erie	138,440
Scranton	Lackawanna	111,443
Allentown	Lehigh	108,347
Reading	Berks	98,177
Harrisburg	Dauphin	79,697
Bethlehem	Northampton	75,408
Altoona	Blair	69,407
Chester	Delaware	63,658
Wilkes-Barre	Luzerne	63,551
Lancaster	Lancaster	61,055
Johnstown	Cambria	53,949
York	York	54,504
McKeesport	Allegheny	45,489
New Castle	Lawrence	44,790
Williamsport	Lycoming	41,967
Hazleton	Luzerne	32,056
Easton	Northampton	31,955
Lebanon	Lebanon	30,045
Sharon	Mercer	25,267
Washington	Washington	23,545
New Kensington	Westmoreland	23,485
Pottsville	Schuylkill	21,659

Municipality	*County*	*1960*
Cities		
Butler	Butler	20,975
Monessen	Westmoreland	18,424
Clairton	Allegheny	18,389
Uniontown	Fayette	17,942
Oil City	Venango	17,692
Greensburg	Westmoreland	17,383
Meadville	Crawford	16,671
Jeannette	Westmoreland	16,565
Beaver Falls	Beaver	16,240
Boroughs		
Norristown	Montgomery	38,925
Wilkinsburg	Allegheny	30,066
West Mifflin	Juniata	27,289
Aliquippa	Beaver	26,369
Pottstown	Montgomery	26,144
Baldwin	Allegheny	24,489
Bethel	Berks	23,650
Monroeville	Allegheny	22,446
State College	Centre	22,409
Kingston	Luzerne	20,261
Dunmore	Lackawanna	18,917
Chambersburg	Franklin	17,670
Munhall	Allegheny	17,312
Carlisle	Cumberland	16,623
Whitehall	Allegheny	16,075
Townships		
Upper Darby	Delaware	93,158
Lower Merion	Montgomery	59,420
Bristol	Bucks	59,298
Abington	Montgomery	55,831
Haverford	Delaware	54,019
Penn Hills	Allegheny	51,512
Cheltenham	Montgomery	35,990
Ridley	Delaware	35,738
Mt. Lebanon	Allegheny	35,361
Hempfield	Westmoreland	29,704
Falls	Bucks	29,082
Millcreek	Erie	28,441
Middletown	Dauphin	26,894

Municipality		*1960*
Cities	*County*	
Springfield (Delaware Co.)	Delaware	26,733
Ross	Allegheny	25,952
Shaler	Allegheny	24,949
Bensalem	Bucks	23,478
North Huntingdon	Westmoreland	21,853
Radnor	Delaware	21,697
Upper Moreland	Montgomery	21,032
Springfield (Montgomery Co.)	Montgomery	20,652
Marple	Delaware	19,722
Scott	Allegheny	19,094
Lower Paxton	Dauphin	17,618
Susquehanna	Dauphin	17,474
Upper Merion	Montgomery	17,096
Tredyffrin	Chester	16,004

(1) Formed from part of Scott Township after 1910.

(2) Formed from part of Moreland Township after 1910.

(3) Figures up to and including 1940 are for Mifflin Township from which West Mifflin was formed after 1940.

(4) Figures up to and including 1940 are for Bethel Township from which Bethel was formed after 1940.

(5) Whitehall was formed from parts of Bethel and Baldwin Township after 1940.

(6) Figures up to and including 1950 are for Baldwin Township from which Baldwin was formed affer 1950.

(7) Figures up to and including 1950 are for Patton Township from which Monroeville was formed after 1950.

Source: U. S. Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States, 1920*, Volume III; *Fifteenth Census of the United States, 1930*, Volume III, Part 2; *Sixteenth Census of the United States, 1940*, Volume II, Part 6; and *U. S. Census of Population, 1960, Pennsylvania*, "General Population Characteristics", PC(1)-40B.